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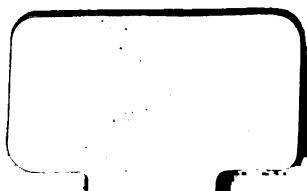
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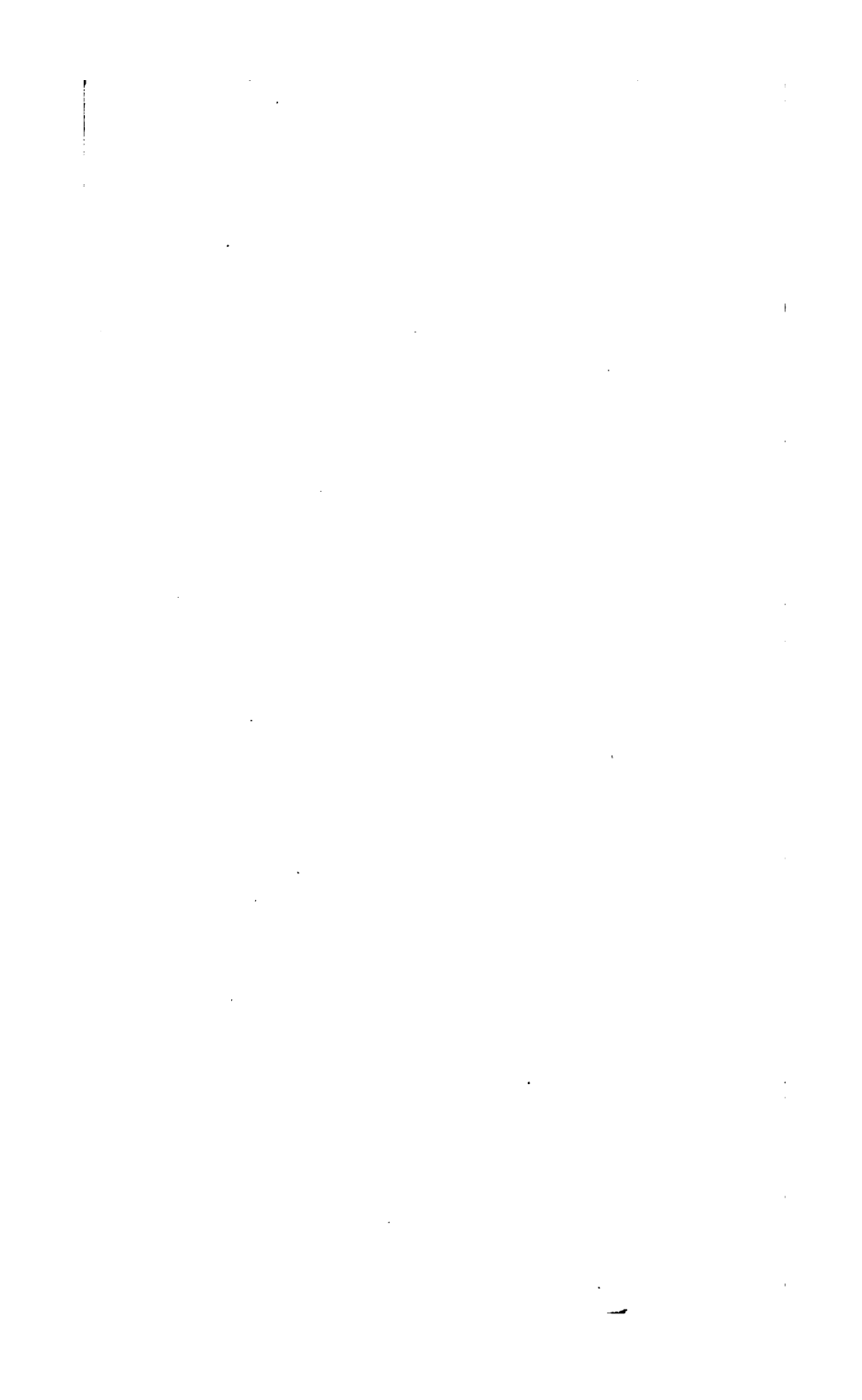
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AMERICA

COMPARED WITH ENGLAND.

**THE RESPECTIVE SOCIAL EFFECTS OF THE AMERICAN
AND ENGLISH SYSTEMS OF GOVERNMENT
AND LEGISLATION ;**

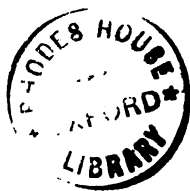
AND

THE MISSION OF DEMOCRACY.

"LIBERTY, EQUALITY, FRATERNITY."

LONDON:
EFFINGHAM WILSON, ROYAL EXCHANGE.

1848.



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INTRODUCTION.

No work has hitherto been published for the purpose of contrasting the results of democracy in America with those of monarchy and aristocracy in England. The present appears to be a favourable opportunity for calling public attention to the subject.

A reasonable doubt cannot be entertained that, sooner or later, democracy will prevail all over the civilised world—it is the spirit of the age, and no human power can resist its progress for any considerable length of time. And yet the people of Great Britain and Ireland have paid scarcely any attention to this subject. It is time for us to throw off our lethargy, and become alive to the actual condition and tendency of society in this and the neighbouring communities.

There is but one country in the world where democratic institutions have been fully tried on a large scale—viz., the United States of North America. There, then, we must direct our attention, if we would learn the true character and effects of those institutions.

The example of the great American republic has very recently produced the most important results in France, Germany, and Italy, in all which countries the glorious effects of self-government in America are pretty generally understood by the leaders of the people; whilst, in England, the aristocracy and their hirelings have succeeded in entirely diverting the public mind from the contemplation of the free institutions of the northern States, and the effects of those institutions upon the condition of society. English aristocrats, their dupes and satellites, are always ready to point out the condition of some of the slave States, with their Lynch law, inhumanity, and immorality, and to exclaim, "Behold the consequences of republicanism and democratic government!" Whereas, the truth is, that all these evils are

the consequences of the institution of slavery. One of the principal objects of this book is to show, plainly, briefly, and clearly, the fruits of democracy in the *free* States, untouched by the blighting influences of slavery.

In the first place, we were anxious to assist to the utmost extent of our capacity in bringing about a reform at home, by removing errors and prejudices, and instilling into the English people that knowledge of free institutions which must be attended by their general approval and gradual adoption. The second consideration was, that many of the principal nations of Europe are labouring in the great cause of democracy with the might of giants, but without the specific information which can satisfactorily direct their efforts. New-born into the world of liberty, the almost emancipated nations of Europe have much to learn from the wisdom and experience of the well-established democracies of America. It was the desire to contribute something to facilitate the choice of political institutions in Europe, by presenting the experience of two great and dissimilar systems, that has stimulated the author, in addition to his anxiety for his own country.

Let Englishmen once fully understand the true effects of democratic institutions, and they will no longer permit a few hereditary landowners to govern this empire, but will demand a full and fair representation of the whole mass of the people in the house of commons. Under that system, the various evils with which society in England is now afflicted will be peaceably and constitutionally abolished. We do not write the following remarks for the purpose of exciting the people to resort to violent means to effect a reformation of the existing state of things; on the contrary, we believe that there is no occasion for such a course, but that parliamentary reform (which is inevitable) will be quite sufficient for all the purposes desired to be accomplished. It is our design to show the great advantages afforded by democratic government, for which purpose we present the contrast between the consequences of that system and those of aristocratic rule; and we feel perfectly assured that any candid mind, after a careful consideration of the facts here detailed, will arrive at the conclusion that the comparative prosperity of the Americans is the result of democratic institutions and laws, whilst the prevalence of poverty, discontent, and immorality in Europe is the inevitable result of institutions and laws of a contrary character.

When Europeans understand the practical operation and social conse-

quences of democratic institutions in America, they will know how to consolidate their recent popular triumphs. Germany, in particular, should be thoroughly acquainted with the constitutions and governments of the United States. In both countries we find a number of politically distinct, and yet nationally homogeneous, communities. The United States stretch over thousands of miles of territory, and embrace seas and lakes and rivers of great extent, flowing through the several States on their courses to the ocean. So it is in Germany. Different, but consistent, interests pervade the different American states. It is so in Germany. In them one language only; in Germany similar languages are spoken. And as in the Union, so in Germany, manners and customs and lineage are not essentially different. Through the same means of locomotion and intercommunication, by the same elements of union, and from the far more outward pressure, the German confederacy should be consolidated like the American confederacy.

It is quite clear that nothing but the substantial adoption of the American model of federal and state governments can cement into an intimate, lasting, and glorious league the various nationalities of Germany. The adoption of that model seems to be almost a matter of course for Germany. Tens of thousands of her people have become intelligent, prosperous citizens in the United States, and have sent home from time to time the glad tidings of the reign of liberty, equality, and fraternity, in the New World. It may be proper here to observe that the Germans form the largest and most valuable item of that foreign emigration from the countries of the Old World by which the New has been able to develop its resources, and anticipate many years of an unassisted career. The arm of German labour, and the integrity of the German character, have opened up the forest in every direction, and covered the land with material and social benefits.

More than all this, German emigrants to America have successfully established the first co-operative communities which have appeared in the world since those of the early Christians; and these examples of a new social system have existed more than half the period of the duration of the political fabric of America itself. They are the harbingers of a new and more glorious state than that which any people have ever enjoyed. And the day will come when the names of Rapp and Biemeler will be associated with those of Washington and Jefferson. Indeed, future ages will regard the day on which the German socialists struck

the axe into the American forest as one of the most memorable epochs in the annals of the world. It will be celebrated as the *mighty anniversary* with joy and gratitude to the farthest confines of civilisation. But for these triumphant experiments it might have been assumed and taken for granted, that the passions, the vices of human nature, man's natural contentiousness, inconsistency, and perverseness, rendered co-operative and fraternal communities impossible. It might have been said with some plausibility, that the members of a social community would not work, or that at all events the stimulus to labour would be insufficient to secure the community anything beyond the barest necessities of life; that quarrels and contentions, destructive of the organisation of the society, would inevitably arise; and that it is useless to struggle against fate, and endeavour to raise mankind beyond that condition in which famines, wars, and pestilences are necessary; prostitution, theft, and all other vices unavoidable; and poverty and the fear of poverty the lot of nine-tenths of the human race. But in the face of the experience afforded by the American social communities for upwards of forty years, it is sheer ignorance, or wilful arrogance, presumption, and folly, to descant upon man's nature as being opposed to the adoption of the co-operative system of society. The superior condition of these communities, on the contrary, demonstrates that the nature of man, as a social being, is consulted only when he is performing the allotted duties of existence according to the community system.

Not long since, it was universally supposed that man was by nature disqualified for self-government; and the idea that every man should have a voice in the selection of the government, and the right to occupy the very first post in the state, was treated as the highest attainable pitch of folly and audacity. The New World has dispelled this miserable illusion about man's nature, and all the impostures growing out of it, by which mankind have been degraded and imbruted. Thus the political institutions of the New World have demonstrated the falsehood of an essential part of the ancient theory respecting the character of human nature, and the social communities of the New World have destroyed all the rest of that debasing theory.

America is the true guide to follow at the present crisis of European affairs. While America is the guide, England, on the other hand, is a beacon. The former is to be followed, or Europe will go astray; and the latter is to be avoided, or Europe must go back. America is the friend and ally

of the great cause of freedom throughout the world ; but England has lately been its deadliest enemy. The principal English newspapers lament over every popular triumph on the continent, and support everywhere the cause of despotism. The English system of a limited monarchy in theory, but of oligarchy in fact, is so little understood abroad, that many well-meaning and intelligent men, in ignorance of the real character of British institutions, fell into the dangerous error of countenancing and supporting the establishment of what is called a constitutional monarchy on the English model. At such a juncture, it is more than ever necessary that a just comparison should be instituted between British and American institutions.

France has, most fortunately for Europe, made her election, and established a democratic republic on the American model. This is the most glorious event in the history of Europe. The general assembly, elected by universal suffrage, and now forming the constitution of France, presents the most august moral spectacle ever displayed before the eyes of the world.*

* An individual, distinguished for his extraordinary waywardness and inconsistency, has, since the refusal of the French republic to entertain his application for citizenship, undertaken, in a letter to Lord Lansdowne, recently published, to ridicule and abuse that republic. The writer of this letter (Lord Brougham) tells us that "the lesson is now taught that France, to change its form of government, requires no long series of complaints, no suffering from oppression, whether chronic or acute, no indignation at abuses," &c. He looks upon an usurpation of all the powers of legislation and government by a miserable fraction of the community as no abuse, even when that fraction is openly and grossly selfish and corrupt. And his statements of facts evince as much accuracy as might be expected from a man of such loose and indiscriminate opinions. Thus, he says, that the revolution was effected because "the national guards, afraid of having their shops attacked, their windows and toys broken, declined to do their duty." It was not their duty to support the government; it was their duty as men to destroy it at the first favourable opportunity. That duty they nobly performed. The fact that the national guards were opposed to the government, and that several legions actually marched against the Tuileries, is lost sight of by Lord Brougham; as well as the fact that these same national guards were willing enough in June to fight for a government which they approved of, and which had been established by the people. But we cannot reasonably expect such a man as Lord Brougham to heed facts and distinctions.

He is amazed at the overthrow of the monarchy in France. The monarchy, says he, was generally approved of, or, at any rate, submitted to, in peace by all. Does not he know that those who resisted it were punished? Can he be ignorant of the fact that it would have been impossible for the monarchical system to continue to exist in France if the people had obtained a full and fair representation in the French parliament? The knowledge of this fact was the cause of the refusal to allow the people to be so represented. This refusal of course led to a collision between the people and the government, the latter relying for its only support upon the standing army, and finding that reliance fail in the hour of need. The collision was only brought about a little earlier than was expected. If reform had been granted, the monarchy would have been destroyed in

We have explained the constitutions and governments of the United States and of the several States forming the Union; shown how those constitutions are made and amended, and drawn a contrast between them and what is ordinarily called the constitution of this country.

another way. At a little later period, it would have gone down an inclined plane, instead of tumbling over a precipice.

If the people of France were really in favour of the monarchical system, as Lord Brougham supposes them to have been, why have they not sent their representatives to the general assembly with instructions to establish a monarchical instead of a republican constitution? We will give the answer. Because no civilised people who have the opportunity of deliberately choosing could possibly be so foolish as to confide their lives, liberties, properties, and honour, to an hereditary governor, who may be a woman, a child, a knave, a fool, a madman, or a monster. No civilised people would voluntarily subject themselves to the risk of civil wars, which always attend disputed successions to the crown—witness the dreadful condition of poor Spain and Portugal at this very hour. All intelligent people will desire to have public affairs managed by responsible, and not irresponsible, agents; and it is clear that the great mass of the people able to form an opinion cannot desire to place their fate in the hands of one who will be always conspiring with aristocrats to cut down and destroy popular rights.

Speaking of the provisional government, Lord Brougham says that, with the exception of M. Arago, none but obscure men were elevated to power. By this we are to understand that they had not held high office under a corrupt government, were not decorated with titles, but had no other claim to distinction than the respect and admiration of large masses of their thinking fellow-countrymen. Lord Brougham treats M. de Lamartine as one of those obscure individuals—a man whose name will be venerated, when that of the petty law reformer Brougham (his only claim to distinction) will be forgotten. The irresistible course of democracy will in a few years sweep all such celebrities into oblivion.

Lord Brougham says that some German friends (query fugitive aristocrats) have informed him that many of the members of the Vienna assembly are small peasant proprietors; and that in the Berlin chamber there are eighty persons whom he calls common day labourers. He ridicules these men as unfit to represent the interests of their fellow-creatures. No doubt an American legislature would equally excite his risibility, for he would see there many men who work with their own hands upon their own farms—common day labourers, as Lord Brougham's aristocratic German friends would call them. These men possess far more good sound sense than Lord Brougham, and, what is more to the purpose, are intent upon securing the welfare of all classes of the people, and not the mere aggrandisement of a few aristocrats. But there is no American legislature, and we do not believe that there is now in existence, or that there ever was, a representative assembly in which the working people were too much cared for. On the contrary, the wealthy classes invariably exercise too much control in all such assemblies, and are very apt to turn their power to their own advantage, and the detriment of the poor.

Lord Brougham, in the letter in question, speaks of "the wild scheme of universal suffrage" in France; but, on May 12, 1848, in his speech in the house of lords, on legislation and the laws, he made the following remarks on the elections of the deputies to the national assembly:—"The elections have been conducted with exemplary order, and the deputies returned belong to the classes of society in whose hands legislative power may be the most safely vested." We believe this is the first representative assembly ever elected in France by direct and universal suffrage: had it been elected otherwise, its moral power would have been different, and France would probably have been plunged into almost irretrievable difficulties. Instead of this, she will now teach Europe the vast importance and incalculable benefits of free institutions.

Amongst the most important matters to which we would draw our readers' attention are the following :—The working in America of the system of universal suffrage, equal electoral districts, annual elections, the ballot, and payment of members; the American judiciary system as compared with that of England, the election of judges and all the principal office-holders directly by the people. At first, the executive power in most of the States was very considerable, but in the course of time the patronage of the State has been in several instances taken from the governor and given to the legislature, and then taken from the latter and exercised directly by the people.

It will be seen, on examining the character of American legislation and government, that the great object always kept in view is to divide property, and elevate the whole mass of the people. It is of great importance for the English politician to see how this object is effected, to mark the difference between American and British legislation, and particularly to observe the American laws regulating the descent and transfer of land, which have prevented alike the formation of a class of mere agricultural labourers and a landed aristocracy.

The system of law-making in America, and the mode of administering justice, will be found deserving of attention, especially as the principal points of difference between the English and American systems are mentioned and commented upon, and the law reforms proposed in England are tested by American example and experience.

The various systems of taxation resorted to in America and England are briefly compared, and their respective merits considered; and we have ventured a few remarks in favour of the system which, in our opinion, should be generally adopted, to the exclusion of all the rest. This subject will soon be of paramount importance to the social reformer in both hemispheres, as will be perceived on a perusal of the chapters on the mission of democracy. A new system of society may be partly introduced by means of a liberal exercise of the power to tax realised property.

We beg to call especial attention to the chapters on the social influence of democracy in America, and the social influence of the aristocratic system in England. It will be seen that democracy ensures the general intelligence of the people, the diffusion of wealth, and the triumph of talent and merit; whilst the aristocratic system secures a monopoly of the land in the hands of a few, and impoverishes and degrades the vast majority of the people. We have traced the causes of the division of the

land in America, replied to the arguments of Mr. McCulloch and others on the social consequences of the division in France, and shown that the prosperity of the American people is clearly occasioned by the institutions under which they have the good fortune to live, and not to the abundance of land, as pretended by those who assert that England and Ireland are over-peopled, and not badly governed.

Our remarks upon the subject of emigration, and the condition of the people of England as compared with that of the Americans, will probably excite some surprise on the part of those who have formed their opinions from the works of European tourists; but it must be constantly borne in mind that old countries possess many advantages over newly-settled ones, and that climate exercises a most important influence upon the character and condition of a people.

We have devoted a few remarks to an explanation of American politics and parties, especially with respect to the questions of slavery and the currency. The laws of England restraining the liberty of the press, prohibiting political associations, and complaints, of grievances, are examined somewhat in detail, with a reference to various authorities, for the purpose of dispelling the popular delusion that the law favors liberty, that delusion being productive of a fatal confidence in the existing system of government.

The testimony of European writers on America, collected in Chapters 22 and 23, will no doubt be read with interest, and will be found to corroborate our own statements, and support the opinions which we have advanced.

The concluding chapters on the mission of democracy are written for the purpose of showing that democracy in America, instead of resulting, as some politicians anticipate, in a return to the monarchical, or oligarchical, system of society, will gradually introduce a new social system, based on the principle of co-operation, under which men will be able to obey the injunctions of the Christian religion, and live according to the golden rule.

We have undertaken to exhibit the most important of the evils which now actually oppress, and must continue, under any, even the best existing form of government, to harass the human race. Out of this examination of human ills, and after a scrutiny of all conceivable modes of relief, emerges the theory of the true remedy in a *new social system*. We have presented the subject plainly and fully, and we ask our readers to

consider it with care and attention. It is an ultimate and not an immediate reconstruction of society which we contemplate. The gradual decomposition of antiquated forms is to precede that higher organisation which will be in unison with the human character and with the order of nature. Still it is a revolution of society, and it is an organic revolution, to be realised through the glorious agency which will be furnished by universal suffrage and representative governments. Opposition may of course be expected. All reforms have met with a storm of furious opposition. Even in America, universal suffrage became a fact only after long and painful struggles. And now universal suffrage prevails over one-half of enlightened Europe, and even Turkish provinces are penetrated by its light.

Mankind are just awakening in the old world from the sleep of ages ; they began to live but yesterday. The generations which have passed away give place to the present, as darkness withdraws from the sun. It is high time to fearlessly attack and expose the fallacies, misconceptions, and ignorance of the apologists of the present social system. The institution of society has been entirely perverted. Competition has isolated individuals, till their hearts have become inhuman, and they have thus been prepared for the lives and deaths of ferocious beasts. At the command of masters they have preyed upon one another, and they have deprived themselves, as well as their fancied enemies, of enjoyment, instead of living together in the possession of all that can make life a pleasure. For mutual assistance, has been grossly and violently substituted injuries without number, and resentment and hostility without restraint.

A host of pseudo-political philosophers assume to teach us that this sad state of society proceeds from the fallen and vicious nature of man. It is asserted that he will be equally wicked under every change of his condition, and that he would choose to be unhappy in the midst of the means of happiness. Yet these same teachers are prone to admit that circumstances have something to do with human character ; that the being born, for instance, at Paris, or, on the contrary, at Constantinople, will be very apt to fix the religious creed of the individual. If so, why may it not be true that fundamental reforms of the whole human character can be accomplished by thorough and enlightened management?

We beg our readers to note the result of the great experiments on human nature presented by America to the wondering eyes of Europe.

It is an unalterable demonstration that mankind are not only capable of self-government, but that they can, under rational political institutions, congregate in social communities, live together in peace and good-will, labour together for the common good, surround themselves with all the comforts of life, and banish crime, intemperance, and immorality of every description. Let these mighty facts be made known ; let the glad tidings be spread all over the earth ; and preparations be everywhere made for entering upon the long-promised land of freedom and happiness !

Let us discard the prejudices engendered by the crude and undigested theories of European socialists, and proceed in a fair and candid spirit to the discussion of this the greatest topic which can employ the faculties and engage the heart of man.

AMERICA

COMPARED WITH ENGLAND.

CHAPTER I.

THE CONSTITUTIONS AND GOVERNMENTS OF THE SEVERAL STATES.

- I. Continually increasing number of the States—Each State is a distinct Republic—For what purposes they are united—The respective powers of the several Republics and of the Confederation—The Federal Constitution, its general character—Compared with the new German Confederation.
- II. How the constitution of a State is formed—Government of a territory before it becomes a State—The constitutions and governments of the several colonies before the Revolution.
- III. Differences between the present Constitutions, Governments, and laws of the various States—Progress of Democracy—The Constitution of the State of Ohio described by way of example.
- IV. The object of a written Constitution—How a Constitution may be amended—How the Legislative body is chosen in Ohio.
- V. Remarks on annual elections and vote by ballot.
- VI. The Executive.
- VII. The judiciary system compared with that of England—The administration of justice.
- VIII. The Militia—Local self-government.
- IX. The fundamental rights reserved and guaranteed by the Constitution of Ohio—Remarks on the violation of these rights.

I.

THERE are now (in the year 1848) thirty States or Republics in the Union, and the number is constantly increasing, in consequence of the formation of new States in the Western and Southern territories, from time to time. Each State is a distinct Republic, with its own separate legislature, and other branches of government. But all the States are united together, chiefly for the following purposes, viz.—

That they may all be represented in foreign courts as one nation.

That there may be an army and navy sustained at the expense of, and for the benefit of all, the States.

That the citizen of one State may be a citizen of all the States.

That there may be free trade between the several States.

That there may be an uniform coinage, uniform weights and measures, uniform patent and copyright laws, and a general postage system.

That treaties of commerce may be made with foreign nations for the benefit of all the States.

In order to make this confederation effectual, each State is prohibited from declaring war, or making treaties on its own account; and tribunals are provided for the determination of disputes between the different States, as well as disputes between the citizens of the different States.

It is unnecessary at present to detail with particularity the respective powers of the several States, and of the confederation; suffice it to say, that in all matters except those which concern the common welfare of all the States, each Republic is entirely supreme and independent in all the branches of its government. Hence we find the constitutions, the governments, and the laws of the various States, differing from each other. The matters affecting the welfare of all the States are dealt with by the president, the senate, and the house of representatives. These are all chosen by the people of the various States, according to certain provisions of the federal constitution, which also specifies the powers of congress, and of each branch of that body. The federal constitution is such as to secure the separate and independent rights of the several States in the confederation, so far as those rights are compatible with the confederation itself.

The German states have lately proposed to follow the excellent example afforded by the American confederation, so that Germany will have a national army and navy—every German will be a citizen of all the German states—there will be free trade between the various states, and so forth. The constitution of a state is formed by all the eligible voters within its limits who choose to attend in their respective districts and vote in the election of delegates, who assemble in convention to form the organic law for the whole people. We have recently seen an example of this in the great European republic of France.

II.

Constitution-making is quite common in the United States. The older republics frequently alter their constitutions, and new republics are being added every year or two to the gigantic Union. The vast territory within the limits of the United States is for the most part uninhabited, except by a few Indians. When a sufficient number of white people have emigrated to a new territory, the confederation assumes the government of it, until the population becomes sufficiently numerous to form a State, and then the people elect delegates to make the constitution under which they are to live. It must be a republican constitution,

and no aristocracy can be permitted. When the population of a territory numbers 60,000 it may obtain the rights of a State. Whilst the territory is under the control of congress, the people enjoy self-government to a great extent, and are trained to political action; but the principal officers are appointed by the president, with the consent of the senate. The people of the territory are represented by agents in congress, who have a right to speak, but not to vote. The unoccupied territory beyond the limits of the old States belongs to the confederation in trust for the States, and is disposed of by congress from time to time to private individuals.

When the colonies rebelled against England they were thirteen in number; each of them had its separate legislature and government, and was subject only to the British crown and parliament. The governments of the several colonies had no connexion with each other.

During the rebellion they formed a confederation to resist the mother country, and after the successful termination of the war with Great Britain they agreed to form a more perfect union, on the principle already in part explained.

III.

The different States, as before observed, have different constitutions, governments, and laws. In some of them the whole body of the white male adult population elects the governor and legislature; in one or two a property qualification for the voters is required; in some the judges are elected by the people, in others by the legislature, whilst in others the governor has the appointment of them. The laws of real property, and indeed nearly all the laws, vary in the different States. But it will be sufficient to examine the constitution and government of one of the States to enable the reader to understand the general character of all of them. We will take the State of Ohio as an example; and we may observe that all the new Western States have from the first had purely democratic constitutions, and that many of the old States have been for the last few years gradually becoming more and more democratic, so that there is now much more uniformity in the provisions of the constitutions of the various States than there was formerly.

Most of the New England States, the colonies settled by the Puritans who fled from England, disgusted at the tyranny of the government, and the licentiousness and immorality of English society, have enjoyed the benefits of a large measure of democracy from the beginning, and accordingly we find the people of those States excel in morality, intelligence, and prosperity.

The State of Ohio, whose constitution we have selected by way of illustration, has been peopled from the old States, particularly the free States, and from Germany, Great Britain, and Ireland. Its constitution

was organised on the 29th of November, 1802, and it has undergone no change since. This constitution was formed by the representatives of the whole mass of the people, delegated to a convention assembled for that specific purpose.

The object of this, like that of all other American constitutions, is to prescribe the form of government, provide how the legislature shall be elected, define its powers, direct how the executive shall be appointed, and what shall be its powers and duties.

IV.

A written constitution, defining the powers of the legislature and executive, is established in every one of the Republics; and the courts of law will pronounce any act of the legislature unconstitutional and void which may transcend the prescribed boundaries. This is a peculiarity of the American system. The Americans do not choose to entrust the ordinary legislative bodies with absolute power over the citizens. The several constitutions accordingly declare that the power of legislation shall be confined within certain ascertained limits. Under no pretence whatever can the people be deprived of those fundamental rights which are so frequently trifled with by the British parliament.

The constitution provides the means of its own amendment. If two-thirds of the legislature recommend the electors at the next election to vote for a convention to alter the constitution, then if a majority of the electors follow that advice, the legislature will call a convention, which is to be chosen in the same way as the members of the legislature are elected, and to assemble at a suitable time and place. This convention, thus specially appointed for the purpose, may alter the whole system of legislation and government, provided it does not violate the federal compact—the constitution of the union, which within its limits must be paramount.

This power to amend the constitution in a peaceable way prevents the necessity for a resort to the inherent right of revolution in case the institutions of the country become unsuited to the age. But there is no fear of hasty and ill-advised alterations, seeing that a large majority of the people's representatives must concur, in the first instance, in the opinion that a fundamental change is necessary, before the people can be called upon to say whether there shall be a convention.

The constitution of Ohio provides that the general assembly shall consist of a senate and house of representatives, the latter not to exceed seventy-two members, the former not more than half that number. It provides for equal electoral districts; and to secure that object, it directs that there shall be an enumeration of the male adult population every four years, according to which census the members of both branches of the legislature are apportioned. It directs that the members of the house

of representatives shall be chosen every year by the voters in their respective districts. The suffrage is practically universal:—every white male adult citizen, who has resided in the State one year, and has been charged, or is chargeable, with a tax, is entitled to a vote in the district in which he resides at the time of the election. All are charged with a road-tax of four shillings per year; except aliens and negroes, who are not permitted to vote. Foreigners may become citizens after five years' residence in the United States. The representatives of the people are not required to hold any property by way of qualification, but they must be of a certain age, and residents of the State. The voting is by ballot; and the members are paid eight shillings per day for their services whilst the legislature is sitting, out of the funds of the State. The balloting is effected in a very simple manner. The names of the candidates selected by the voter are written or printed on a slip of paper, and the voter hands it in to the poll-clerk folded up: it is not signed: it is thrown amongst the other ballots, and no man can tell how the elector has voted if he chooses to keep his own counsel. The candidates supply the printed tickets.

But American electors have, under ordinary circumstances, no occasion to conceal their votes; they are too proud and independent to disguise their sentiments; there is no aristocracy to coerce or browbeat them. But the truth is, that the voting by ballot or ticket is far more convenient than *viva voce* voting. It would be troublesome for each voter to name the candidates, and for a clerk to note how the elector voted. As to the objection that there can be no scrutiny, the answer is that none is necessary. The right of the elector to vote is, in many places, settled before he goes to the poll; and the agents of the respective parties take care that no man votes twice, nor out of his district. The elections under this system are, with few and slight exceptions, quiet and orderly, and befitting the character of a highly intellectual people. The elections in Great Britain and Ireland are of a very inferior description, even now that numerous polling-places are provided. A few years ago the elections in England were absolutely disgraceful to the nation. At almost every contested election there were rows, fights, and the most outrageous exhibitions of drunkenness, to say nothing of bribery and coercion, vulgarity and debauchery. And even under the present system the evil is only partly removed.

The Senate of Ohio is chosen as follows:—At the first election the senators were chosen for two years: on their being convened they were divided into two classes. The seats of the senators of one of these classes were vacated at the expiration of the first year, and of the other class at the end of the second year; and there has been ever since an annual election of half the total number of the senators, and of all the members of the other house. The only qualification required is that

the senator shall be thirty years of age, a citizen of the United States, and a resident of the district. The constitution defines the power of both houses, and prescribes some of the most important rules for the conduct and management of their proceedings. Bills may originate in either house, and the consent of the governor is not necessary for them to become laws. He has no part in the legislation of the State whatever.

In all the Republics, without a single exception, there are two representative bodies, both elected directly by the people. The main difference between the one house and the other is this,—the senate is not so frequently elected as the house of representatives, and the senators represent larger districts. The object of the provision that there shall be two houses is to lessen the probability of hasty and ill-advised legislation; two separate discussions of every measure by different bodies of men must take place, and what may be taken for granted in one house, may not pass muster in the other. The one chamber is not more democratic than the other; and although the members of the one are less frequently elected, and are men of riper age than the members of the other, yet in founding two chambers it is no part of the scheme of the constitution to restrain the power of the majority of the electors. To ensure due deliberation is the object in view, and this object is greatly advanced by requiring two separate bodies to concur in a new project of law; those bodies being not only elected at different times, but also by different electoral districts.

The second chamber—the senate—provided by the federal constitution, is certainly much less democratic in its character than the house of representatives; but it must be recollected that a leading object of the framers of that constitution was the preservation of the separate sovereignties of the various States. In the new state constitutions it is invariably provided that the members of both chambers shall be elected directly by the people, at short intervals. As a farther protection against crude and ill-advised legislation, it would be well to provide that all bills should be subjected to the scrutiny of a board of able lawyers, before being passed into law. And no new law should be enacted, nor any old law repealed, by a mere majority; the consent of two-thirds of the members of both chambers should be required in all cases.

V.

It will appear to many English readers, that the elections of the legislators are too frequent, and it may be supposed that there is too much vacillation, too little stability under such a system. But it will be found, upon examination, that there is more stability in American than in English legislation, and less frequent fluctuations in the policy of congress and of the various state governments.

Changes of the ministry occur frequently in England, and these

changes are often followed by a new policy in home, foreign, and colonial matters. Before the new ministers have made themselves acquainted with their business, they have to give place to others. The utter ignorance so frequently displayed at the British Colonial-office is usually attributed to this state of things. If the elections were unfrequent in Ohio, undue importance would be attached to them when they took place. The people would be expecting something extraordinary to be done in the way of legislation, and the consequence would be a much greater amount of uncertainty in the affairs of the State than is felt now. Under the present system, the business of legislation is looked upon as of an ordinary character, and the chief business of the legislature is the election of judges and other officials, and the making of appropriations.

VI.

The Executive.—The Governor of Ohio is elected directly by the people every two years. He must be thirty years of age, and must have been a citizen twelve years. His duties are few and simple, and his salary £200 a year. He exercises the pardoning power; he is commander of the militia, except when it is called into the service of the confederation. It is his duty to see that the laws are executed, to give all necessary information to the legislature, and to recommend such measures as he may deem advisable. It is the practice for the governor to present a written address to the legislature on its assembling, in which the fiscal affairs of the State are explained, and everything of importance is duly noticed. The governor, moreover, convenes the general assembly on extraordinary occasions. In case of the death or retirement of any officer appointed by the general assembly, the governor commissions his successor to act until the end of the next session of the legislature.

In case of the death, impeachment, resignation, or removal of the governor, the speaker of the senate exercises the office of governor *pro tem*. The speaker is a member of the senate, who has been elected to preside over that body by the majority.

A Secretary of State is elected by the assembly for three years, by a majority, upon joint ballot of both houses.

VII.

The Judiciary of the State.—There is a supreme court, consisting of four judges; a court of universal jurisdiction in each county, consisting of a president judge and three associates; and there are justices of the peace in each township. The latter are elected by the people every three years, but the judges of the supreme court and county courts (called courts of common pleas) are elected by the legislature every seven years. The various courts have their jurisdiction defined by acts of the legislature.

The justices of the peace have power to try cases of debt and damage, in which no more than one hundred dollars is claimed, which is rather above £20. Either party may require the trial to be by a jury. An appeal lies from the decision of the justice to the court of common pleas, and the appeal is tried by a jury. Cases are sometimes brought up from the justices by *certiorari* to the common pleas. Under this system, the suitor is protected from the wilfulness and arrogance displayed by judges from whom there is no appeal.

The court of common pleas in each county has jurisdiction in all cases at common law and in chancery. The English distinction between law and equity is preserved, and the proceedings are more simple, but similar to those of the English courts. The law of pleading and evidence is like that which prevails in England; but various improvements have been effected in Ohio, and there is abundant room for many more.

The county court is also a probate court; wills are proved before it, and it grants letters of administration, and divorces. It also appoints guardians for minors, and directs sales of intestates' lands for the payment of all kinds of claims and debts. Executors, administrators, and guardians have to account before this court, and report all their acts and deeds, which are duly recorded, and open for public examination.

The court of common pleas is also a court of criminal jurisdiction. It may grant a new trial in criminal as well as in civil cases. A writ of error lies from its decision to the supreme court, so that any one convicted of crime may, if the court has erred on the trial, apply to a superior court for a correction of the error. A bill of exceptions shows the charge or ruling complained of by the party. The State, on the other hand, cannot have any writ of error.

In England, on the contrary, so little are life and liberty regarded, in comparison with property, that although in a civil case involving a question of pounds, shillings, and pence, the litigants may appeal to a superior court, there is no such remedy where a man is sentenced to be hanged or transported. The only remedy for a wrongful conviction is a private application to an irresponsible arbitrary officer of the government at the home-office. In England, nearly all the landed aristocracy are made judges; they sit in quarter-sessions, and sentence the persons convicted to be imprisoned or transported. The tenants, tradesmen, and humble neighbours of these same landowners are the jurymen in most cases. Again, the same aristocrats sit alone, or in couples, to decide by far the most numerous cases affecting the liberty of the people.

Contrast this with the American system. In America the people, in England the aristocracy, are the source of all power. In Ohio, for example, the people elect the magistrates to serve for a short term; and the representatives of the people elect the judges, also to serve for a limited period.

There is, it may be well supposed, a vast difference in the bearing of judges, juries, and witnesses, in England and America. In England, the judges are stiff and haughty in their demeanour, the juries are often ill-educated, humble, and submissive, and the counsel bully the witnesses. The latter are perched up in a box, and subjected to gross insults in the course of cross-examination. All this is very different in America.

In Ohio, the people of each county elect a public prosecutor every two years. He manages all prosecutions, and the party aggrieved is put to no expense.

The administration of justice in Ohio is infinitely superior to that of England, although there are some peculiar and very serious defects in the judiciary system of that Republic. Very few persons are deterred in Ohio from seeking their rights through the medium of the courts of law by the expense attending the proceedings; whereas in England the administration of justice is so enormously expensive, except in the lowest courts, that there is a practical denial of it in three cases out of four.

The fees are very trifling in Ohio, and are for the most part paid at the end of a suit. A decree in Chancery can be had, and a sale and conveyance of land under it effected, at a cost of about £10, attorney's fees included. A stoutly-contested action at law in the superior courts, or a suit in chancery, frequently cost only £4 or £5. The examination of the case on the trial is more full, minute, and careful than is usual in England. Great and important property cases are much better tried in England than in Ohio, but not so the smaller and more numerous cases.

The *Supreme Court of Ohio* consists of four judges, elected for seven years, with salaries of about £250 each. Two of them sit only once per year in each county to try appeals, and decide writs of error from the courts of common pleas; and also to try a few original cases. Here is a great defect in the system; there should be an appellate court sitting the greater part of the year. For the want of this tribunal an unreasonable delay occurs in the disposal of cases appealed, and when they do come on there is no time for argument and deliberation. Unseemly practices and crude decisions are the fruits of this system. The gravest questions of law are taken up to the court in banc, where the four judges sit together once per year. Most of the other States have a better judiciary system than that of Ohio. The judges are over-worked and underpaid; and the justices of the peace are remunerated by fees collected from the suitors—a vicious practice.

VIII.

The Militia.—The laws of each State respecting the militia differ from each other. Generally, all white male persons, between certain ages, are liable to serve in the militia; but usually only a few volunteers are regularly drilled. Many young men take great delight in turning out in

uniform. The constitution of Ohio provides that captains and subalterns in the militia shall be elected by those persons in their respective company districts subject to military duty. Majors are to be elected by the captains and subalterns of the battalion. Colonels are elected by the majors, captains, and subalterns of the regiment. Brigadiers-general are elected by the commissioned officers of their respective brigades. Majors-general and quartermasters-general are appointed by a joint vote of both houses of the legislature. The governor appoints the adjutant-general. The captains appoint the non-commissioned officers, &c.

This is very different from the English system, under which the militia (a small and insignificant body) is under the entire control of the crown.

Local self-government.—The people of each county elect a sheriff and a coroner every two years, and a recorder of deeds every three years. The township officers are elected annually. All officers are paid for their services. In cities and corporate towns the government is regulated by special acts. The mayors, councilmen, magistrates, and city officers are elected by the people periodically.

In England the sheriff is a government officer, and most of the township officers in rural districts, although nominated by the rate-payers, must be approved of by the local judges. The justices of the peace, or landed aristocracy, are appointed by the government, and may be removed at pleasure. The county affairs are managed by these justices of the peace, and the people are taxed by them without being represented.

IX.

The fundamental Rights reserved and guaranteed by the Constitution of Ohio.—In the constitution of Ohio certain rights of the citizen are set forth, which are to be in nowise affected by the acts of the general assembly; and it is declared that all powers not expressly delegated by the constitution to the legislature, are reserved by the people. The constitution proclaims that all men are born equally free and independent, and it prohibits slavery.

It affirms "that all men have a natural and indefeasible right to worship Almighty God according to the dictates of conscience; that no human authority can in any case whatever control or interfere with the rights of conscience; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent; and that no preference shall be given by law to any religious society, or mode of worship; and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality, and knowledge, being essentially necessary to good government, and the happiness of mankind, schools and the means of instruction shall for ever be encouraged by legislative provision, not inconsistent with the rights of conscience."

Compare this with the English laws and the established church of

England and Ireland. Before a man can take his seat in the British parliament he must declare that he is a Christian. Within the last six or seven years county justices of the peace have frequently committed men to prison for neglecting to attend places of worship. The people are compelled to maintain the established church; that is to say, the property of the nation, which might be appropriated in reduction of the taxes, is given to a favoured sect, and all people are liable to pay church rates to support its consequence and disseminate its doctrines.

The natural rights declared by the constitution of Ohio are thus violated by the aristocratic government and legislature of England; whilst, on the other hand, so far from knowledge being deemed "essentially necessary to good government and the happiness of mankind," the aristocracy and their nominees, the clergy of the established church, have until recently resisted general education, believing that it would make the people dissatisfied with the existing order of things.

In Ohio the people are well educated at the expense of the State. In England great masses of the people are in a state of ignorance and brutality, the means of instruction not being encouraged by legislative provision.

The constitution of Ohio further provides that private property shall ever be held inviolate; but always subservient to the public welfare, provided a compensation in money be made to the owner. It prohibits general search warrants. It provides that no law shall restrain the citizen from criticising the proceedings of the government. It affirms that the people have at all times a complete power to alter, reform, or abolish their government. So that in Ohio it is no offence to excite dissatisfaction with the existing order of things; whereas in England it is highly criminal to do so; for it has often been held to be sedition, and in serious cases it has been declared to be treason.

It is true, however, that in England the government has, during a portion of the present century, *permitted* the people to discuss political matters somewhat freely, it being believed that the institutions of the country have not been put in peril thereby. But the people have no *right* either to speak or write against the government, or attend political meetings at which speeches are made calculated to excite dissatisfaction. The *laws* of England restraining freedom of discussion and association for political purposes, could hardly be made more rigid; and these laws are often put in force. It was declared by Lord Campbell, in a speech in the House of Lords in support of the new treason bill, in April 1848, that people had been transported for delivering milder speeches in favour of parliamentary reform than those which Lord Brougham had delivered just previous to the passage of the Reform Act. The truth is, that the laws have in each successive reign been made more severe for the purpose of restraining what is called sedition.

The constitution of Ohio provides many other guarantees for the preservation of the liberty of the citizen against heedless legislation. It preserves the right of trial by jury, prohibits the treatment of persons arrested with unnecessary rigour, and makes provisions for a fair and impartial trial of accused persons. The latter provision is as follows :—

“ That in all criminal prosecutions the accused hath a right to be heard by himself and his counsel ; to demand the nature and cause of the accusation against him, and to have a copy thereof ; to meet the witnesses face to face ; to have compulsory process for obtaining witnesses in his favour,” &c.

The right of persons accused of felony to be defended by counsel has only lately been conceded in England, and of course the innovation was opposed by most of the judges. There is no right to a copy of the indictment.

Here we find a people assembled in the forests of Ohio forty-six years ago, setting an example of reason and humanity to the legislators of England ; and those intelligent and high-minded people of Ohio at the same time set many other examples which have lately been followed in England. We fully believe that the time is not far distant when all their principal views on the subject of legislation and government will be coincided in by the people of this country.

The constitution of Ohio also provides that in prosecutions for any publication respecting the official conduct of men in a public capacity, or where the matter published is proper for public information, the truth thereof may always be given in evidence. But in England, until within the last two or three years, upon an *indictment* for a libel on private individuals, the truth was not allowed to be shown, although in actions for damages it was otherwise ; and even at the present time it is no defence to an indictment for an alleged libel on the government or public officers, that the statements made are true. We are gradually and humbly following in the steps of our more enlightened transatlantic brethren, and we trust soon to overtake them in their bright career of improvement.

The constitution of Ohio forbids cruel and unusual punishments, and contains the following noble sentiment :—

“ All penalties shall be proportioned to the nature of the offence. No wise legislature will affix the same punishment to the crime of theft, forgery, and the like, which they do to murder and treason. When the same undistinguished severity is exerted against all offences, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the slightest offences. For the same reasons, a multitude of sanguinary laws are both impolitic and unjust, the true design of all punishment being to reform, not to exterminate mankind.”

Compare this with the sanguinary code of England at the same period, the year 1802, and behold how far the American democrats of

those days were in advance of the English legislature. Until American example had shamed the English parliament, the British criminal laws were perfectly brutal. Hundreds of human beings were executed for petty offences, and a score might be seen hanging at one time. Women were capitally punished for stealing a yard or two of ribbon—children for felony—and even North American Indian barbarities were rivalled, and in some instances surpassed, by christian Englishmen in what was called the administration of justice.

Before the act 54 Geo. III., a traitor was condemned to be disembowelled, after being hanged for a time, and cut down alive; and by the present law the body is to be mangled and cut into pieces. Murderers were, a few years since, hanged in chains until their flesh rotted and their bones whitened in the sun. Women convicted of *petit* treason—i. e. the murder of a husband or master—were, before the Act 30 Geo. III., burnt alive. This was English christian humanity—these were the means resorted to for inspiring “the vulgar herd” with “wholesome terror.” Despotism is always cruel, because it is always cowardly.

What must have been the opinion of the Americans of that day—with what scorn and loathing must they have looked down upon the men in whose hands were placed the destinies of the British people? Yet we are told that British laws and institutions have for centuries been the object of the envy and admiration of the world. The admiration of America! Preposterous fiction!

But, to proceed with the provisions of the constitution of Ohio. It is declared that no *ex post facto* law, nor any law impairing the validity of contracts, shall ever be made; that the people have a right to assemble together in a peaceable manner to consult for the common good; that the people have a right to bear arms; that no hereditary emoluments, privileges, or honours shall ever be granted or conferred. Private property cannot be interfered with by the legislature, except when required for the public use, and then full compensation must be made to the owner in money. In England, parliament can deprive any man of his property, and pass any law whatever, no matter how outrageous.

Lord Brougham, in his speech on legislation and the law, in the House of Lords, on May 12, 1848, speaking of private acts, says:—

“They deal with private vested interests and unquestionable legal rights in every one instance and in every one provision. The reason, and only reason for passing each of them is, that the law of the land has protected some party whom it is desired to strip of his rights. This branch of law-making is truly transcendental; it is wholly occupied with transferring to one man the property of another; compelling persons to part with their estates for the benefit of others; breaking contracts already made; annulling settlements of estates; setting aside the wills of persons deceased; dissolving the tie of marriage, by law indissoluble; abrogating laws made for the whole community, in favour of some individuals or against

others. Such a branch of legislation requires, of all others, peculiar care and close and scrupulous attention, to avert error and prevent abuses ; yet error flourishes and abuse triumphs here more than in the construction of public acts."—" All is here done by compromise among a few parties, and the public is always disregarded ; the weaker individuals and their rights and interests are continually set at naught."

There are various other provisions in the constitution of Ohio which it is unnecessary here to detail.

A government which does not emanate from the people is compelled to preserve its authority by withholding the most important rights from the people, especially the right of bearing arms and acquiring skill in their use ; and also the fundamental right of meeting together, and freely discussing the acts of their rulers. A settled democratic government is never afraid of the people, because it is the people's government ; the persons composing the dissatisfied minority know that they may soon be the majority. In a democracy, therefore, the people are the defenders of the country, and not a few mercenaries ; there is no fear of public meetings or processions, no jealousy of the people being armed, no apprehension of evil consequences from disaffection being excited by speeches or discussions.

CHAPTER II.

THE CONSTITUTIONS AND GOVERNMENTS OF THE SEVERAL STATES—(continued.)

- I. *Comparison between the Constitution of Ohio and the Constitutions of other States*—Sedition laws in the Slave States—The electoral franchise—Reform of the old Constitutions, and introduction of universal suffrage—Property qualification for Representatives—The various judiciary systems.
- II. The election of the judges directly by the people every two or three years.—Whether this may not dispense with the necessity for trial by jury.
- III. Composition of the Legislative body in the thirty different States—The Executive power in the various States.
- IV. Tendency of the more modern Constitutions in this respect—Expediency of leaving the people to elect directly the principal office-holders, judges, &c.
- V. The new Constitution for the State of New York.
- VI. *Remarks on the American electoral system*—Universal suffrage and annual elections.
- VII. Equal electoral districts.
- VIII. Property qualification for Members.
- IX. Voting by ballot.
- X. Payment of Representatives—Mode of conducting elections—Remarks on the English system—The recent adoption of the American system in Europe.

I.

Comparison between the Constitution of the State of Ohio and the Constitutions of the other States.—We have more than once mentioned the fact that the constitutions of the different States do not correspond with each other; but all are republican and anti-aristocratic. In all of them the great mass of the people are the recognised source of all power. The principal difference will be found between the constitutions of the free and slave States. In the latter, for example, laws exist to prevent discussion on the subject of slavery. Slave-holding needs sedition laws for its support like those of England. The slave-owners fear the consequences of free discussion, knowing that the poor white population of the slave States might be easily roused to a consciousness of the numbing and vicious results of the institution of slavery.

In all the States the power of the legislature is limited, and there are provisions similar to those in the constitution of Ohio, guaranteeing and preserving fundamental rights of the citizens. In all the States, with the exception of Virginia, all the male white citizens of twenty-one years of age, who are tax-payers, are the electors of the representatives in the State and federal legislatures. In most of the States the electors

are not required to be tax-payers, but a simple residence in the State for a certain period is sufficient to confer the franchise. In Virginia, to be an elector a man must be a freeholder, householder, and tax-payer; but these restrictions will not last much longer.

Within the last few years amendments have been made in several of the old constitutions, whereby they have been made more democratic. This has been the case in New Jersey, Rhode Island, and New York. New Jersey formed a new constitution in 1844, New York in 1846, and all the new States have sound democratic constitutions. Generally speaking the representatives of the people, whether in the State legislature or in congress, are not required to possess any property qualification. There are, however, a few exceptions to this rule. The representatives of North Carolina in congress are required to own 100 acres of land; those of South Carolina are required to own a freehold estate of the value of £150; those of Georgia a like estate of the value of £50; those of New Hampshire to be worth £100; those of Louisiana to own real estate worth £100; those of Massachusetts the same, or £200 of other property. In the same States the senators in congress and the governors are required to possess a somewhat larger qualification. But in every instance the amount of property which the representative is required to own is so small, that very little, if any, practical effect is produced by the restriction. The principle, however, of a property qualification is expressly repudiated in all the constitutions that have been formed within the last half century. As an example of one of the modern constitutions, we will presently take that of New York, formed in the year 1846; but before doing so will say a few words about the judiciary systems of the various States, and some other matters.

In some of the States the judges are appointed by the legislature; in others by the governor; in others by the governor and upper branch of the State legislature; in others by the governor and his council. In some States the superior judges are appointed for life; in others for five, six, or seven years, or some other short period. In most of the States the justices of the peace are elected by the people, but in some of them they are appointed by the governor, &c.

II.

By the more modern constitutions it is provided that all the judges shall be periodically elected by the people. Where this principle is carried out, it seems that the trial by jury might be dispensed with, for the true object of the interposition of a jury between the judge and the suitors or accused, is to infuse the democratic principle into the proceedings. This democratic principle is sufficiently adopted when the judges themselves are elected by the popular voice, and there is no occasion for a jury. Trial by jury is a democratic institution; it is of great value

when the judge is the nominee of the government, especially if the government is founded on conquest and force, instead of emanating from the great mass of the people. But the trial of a cause by twelve men, unaccustomed to judicial investigation, is a clumsy and unsatisfactory proceeding. Under such a system great uncertainty prevails, and the arguments made use of are such as would not be addressed to any competent judge. Besides, the trial is necessarily a hurried affair; each party must have all his witnesses present, and the slightest mistake or want of preparation may be fatal. Some of the jury too may be friends, or acquaintances of one of the parties. If a judge were intrusted with the trial of the case, he might receive the evidence from time to time, to suit the convenience of the parties, it being previously settled what allegations of matters of fact were material; then a trial, instead of being as it is now a hasty and confused examination of some only of the material features of the case, would be a thorough sifting process, in which the truth could hardly be concealed. In all civil cases the parties themselves, and in all criminal cases the accused, should be fully examined: this would prevent thousands of committals for trial. The election of the judges under the new American constitutions will, in the course of time, lead to the abolition of trial by jury.

De Tocqueville's argument, that trial by jury should be retained as a means of instructing the people in the laws, is, in our judgment, insufficient. It is more important to have justice properly administered than to initiate portions of the community into such of the mysteries of the law as may be learned by service on juries. In the most important property cases which are determined in the English and American courts of chancery, the judge decides without the intervention of a jury; and, in many common-law cases a jury is dispensed with: in America, indeed, it is rarely claimed in the justices' courts.

III.

In all the thirty Republics, there are two legislative bodies, for the reasons before mentioned. The concurrence of so many different States in the adoption of this system affords strong presumptive evidence of its practical utility. The executives of the various States are all periodically elected. There is no governor appointed for any period longer than four years. There is no established church in any of the States.

In some of the States, the governor exercises considerable power, dispenses a great deal of patronage, and has the right to refuse his assent to any proposed law. But this *veto* is only suspensive, so that if the legislature persist in voting for the new law by a large majority, usually two-thirds, the governor's objections are unavailing.

The tendency of the new constitutions is to deprive the executive of power. The various officers formerly appointed by governors are now

elected directly by the people or their representatives. Corruption in head-quarters and undue influence are thus avoided, whilst the people in their various localities being the dispensers of valuable patronage, are diligently made acquainted with political affairs. Each man feels his own importance in society, and it becomes the fashion to treat every voter with respect. Men feel an interest in political questions, when they can assist in their determination, but not otherwise.

IV.

One of the principal objects of democratic government being to elevate the intellectual character of the nation, it is highly expedient to retain as much patronage and power as possible in the hands of the people, so that they may feel interested in all public questions, and study them thoroughly, and so that the more active and intelligent men in the several localities may be induced to instruct and enlighten the electors. These results are secured when the people directly choose those who are to fill the various offices of emolument and dignity. When these offices are filled by the legislature, the candidates are striving to ingratiate themselves into the favour of the representatives, instead of directly seeking the support of the people, and the latter feel comparatively but little interest in the election. But when a man's neighbour solicits his vote for a judgeship or other valuable office, the voter becomes sufficiently interested and excited to attend to the matter, and is thus drawn into the consideration of public affairs in general. It must be remembered that the voters are well educated, and that they not only hear plenty of political speeches and discussions, but also invariably read newspapers. And these newspapers, so vastly important as vehicles of general information, could not be sustained in thinly populated districts, if the people merely elected representatives to the general assembly; for the people would not then be of sufficient importance to warrant the establishment of newspapers to guide their political opinions, nor would the people expend their money on papers which contained little or nothing directly and practically interesting to them.

For these various reasons, the true policy of a democracy is to leave as much power as possible in the people, to take but little from the several localities, and to minimise the influence of the general assembly and central government. A tendency to this policy is evinced in all the modern constitutions; whereas, under monarchical and aristocratical governments, there is a great desire to keep the bulk of the people from interfering with public affairs, there is in democracies an anxious wish to attract the attention of the people to every measure of a public nature, and to keep them well exercised in the rights and duties of freemen.

V.

By the constitution of New York (the most important state in the Union) adopted in Nov. 1846, all the judges, superior and inferior, the sheriffs, prosecuting attorneys, &c., are to be elected directly by the people in their several districts. They are elected for short periods only. The same constitution provides that every male citizen of the age of twenty-one years who has resided five months in the county where he may offer his vote, shall be entitled to vote. Formerly the elector was required to be a tax-payer, and the governor and senators were required to possess a small property qualification. This restriction is also removed. Men of colour are allowed to vote if possessed of a freehold estate worth 250 dollars (about £50). This is the same as the old law. In some of the free States, negroes are allowed to vote; in others they are excluded; in most of them they are allowed to own land, but are subject to various disqualifications, the object of which is to prevent coloured people from being attracted to those States. The enactments imposing these disqualifications are all bad in principle as well as impolitic, and calculated to keep the free coloured race in a state of comparative ignorance and viciousness, besides fostering barbarous prejudices and antipathies.

The legislative power of the State of New York is vested in a senate and assembly; the former consists of thirty-two members chosen for two years. The house of assembly consists of 128 members, annually elected. All the members are paid for their services so much per day out of the funds of the Republic. There are equal electoral districts, and the voting is by ballot. So that the six points of the Charter, which are in England the subject of so many ignorant remarks in the daily press, are the law of this great Republic, as well as of most of the others; and under the Charter thus reduced to practice we have the sublimest specimens of free government. The governor of New York exercises the pardoning power, and has a suspensive *veto*, which may be overruled by two-thirds of both houses.

VI.

Remarks on the American Electoral System, Universal Suffrage, and Annual Elections.—In a country like England, where for centuries the people have been governed by an aristocracy, with the form and pretence of a popular assembly, we may expect to find the greater portion even of the educated and intelligent totally ignorant of the true representative principle. But the adoption of universal suffrage in France and in important portions of Germany and Italy, will speedily direct the attention of the English to this great question. So long as universal suffrage prevailed only in the American republics, the people of this country remained in ignorance of its beneficial effects. It has been the fashion set

by the British press generally, and by the politicians almost without exception, to attribute the prosperity, energy, intelligence, and rapid progress of the Americans to their possession of a large and thinly peopled territory. Besides, the slave States have always been spoken of by the supporters of monarchy and aristocracy as showing the true results of the want of a king, lords, an established church, and a large standing army. All the evil consequences of slavery, all the disadvantages resulting from a hot climate, and from the country being thinly peopled and unsettled, have been attributed by the unthinking and designing to republicanism and democracy.

We commonly hear the objection in England to universal suffrage, that the majority of the people are too ignorant to exercise the elective franchise for their own benefit or for the benefit of the country. The use of this argument betrays a woeful ignorance of the nature of the representative principle itself. That principle was never established on the hypothesis that the electors, whether few or many, would be likely to understand political questions better than the aristocracy, nor even to understand them as well.

When, hundreds of years ago, the inhabitants of borough towns were required to send representatives to the house of commons, it was never imagined for an instant that the voters, the tinkers, tailors, blacksmiths, and so forth, were well-informed men, whose opinions on the foreign or domestic affairs of the nation were likely to throw light upon the questions of the day, or afford any information to the government. Far from it. Why then were these men held entitled to be represented? The answer conveys an ample refutation of the anti-universal suffrage argument. That answer is not that the ignorant mechanics in the English boroughs, five hundred years ago, were presumed to understand politics; but they were known to have rights and interests which deserved to be protected; and the only way of protecting those interests was found to be the appointment of agents by the parties interested to look after those interests—in a word, to represent them. No one imagines that the present electors of the United Kingdom, as a body, understand political questions. Not one in a hundred of them is a good politician. So that the alleged want of wisdom on the part of the unrepresented has nothing whatever to do with the question.

Under the present electoral system, the landowners and their satellites have about 600 out of the 656 members of the house of commons. A few representatives of manufactures and commerce contrive to get seats in that house, but they are overwhelmed by the mass of aristocrats representing the landed interest, or rather the landed monopolists—the band of a few thousands of men who own nearly the whole of the length and breadth of these islands. Under the universal suffrage system, this little band would no longer make the laws and enjoy the immense patronage

of the government and the church, and therefore their colossal fortunes would soon dwindle away.

The single question is, whether the laws shall be made and the government administered for the benefit of the governed—the people at large—or for the purpose of enriching a few at the expense of the many.

All men, not some men, every man, has a *right* to a vote, because he has interests which require to be represented and protected. Those who bear the burthens and perform the duties of citizens ought to be represented. It would be as wise to say that an ignorant man ought not to choose his own agent or physician, as that he ought to have no voice in the election of those who are to make laws affecting his life, liberty, and property. The ignorant man, in selecting his medical adviser, can do very well without medical knowledge; he is guided in his choice by general reputation, and by the opinion of others better informed than himself. And so it is with the man ignorant of politics who is called upon to vote for a representative.

In practice, it is found that none but men of talent can succeed in obtaining the nomination of a party, and the selection is made with a view to strengthening the interests of the party making the nomination. Too many active and intelligent men are interested in the success of their respective political parties for it to be practicable to nominate as a candidate a very inferior individual, or to elect him if nominated.

Those who imagine that, under a democracy, the representatives of the people would be like some of the members of the late chartist convention in London, must not only be unaware of the mode in which those persons were selected (some may be said to have appointed themselves delegates), but must also be totally ignorant of the theory of elections; the history of the past must be to them a sealed book, and they can know nothing about the experience of the transatlantic Republic, where universal suffrage has been for many years in full operation. That experience has fully established the fact that universal suffrage elevates the character of the nation, places the government on an immoveable foundation, makes the people high-spirited and patriotic, and secures juster and wiser legislation and government than any other system. The elections are peaceable and orderly, and the candidates are the strongest men that the parties can choose, so as to increase the chances of victory. In America practising lawyers, or men who have had a legal education and are accustomed to speak in public, are most frequently the candidates, and compose a large proportion of the state and federal legislatures.

It has been observed by De Tocqueville, "that although there are great numbers of men of talent in America but few of them become the people's representatives." We will venture to assert, on the contrary, that the representatives of the people in America are better acquainted

with politics and the art of legislation in general, than the members of any other deliberative assemblies in the world. To be a representative of the American people, it is not sufficient for a man to be a poet, a linguist, or a man of science; he must be a politician. Again, it is the practice to choose for a representative an inhabitant of the district to be represented. Now it is true, that De Tocqueville, in comparing the plain members for agricultural districts with the polished gentlemen whom he met with in Philadelphia and Boston, may have supposed that the latter would have been the most suitable representatives; but then he should have known that they were not residents of the country districts, and were therefore incapable of becoming candidates for those districts, whatever might have been their superior qualifications as legislators. Moreover, it so happens, that the majority of the wealthier merchants and manufacturers of America have attached themselves to a political party, which is usually in the minority, and De Tocqueville chiefly saw this class in the society with which he mixed in America, and heard their complaints against the choice of the people which had not been favourable to their party. Wealthy men are seldom the people's representatives in America. This is easily accounted for. Most wealthy men have acquired their wealth by business, and to business they continue to direct their attention, caring but little about politics. The children of the wealthy get no better education than other people's children, and not having the same stimulus to exertion are always outstripped by others in whatever career they may choose for themselves. In a word, as the children of the wealthy in America do not enjoy those advantages which the children of the same class in England possess, they find their real level in public and private life.

Let the legislation and diplomacy of a nation which governs itself be compared with those of a nation governed by an aristocracy, and the superior wisdom of the former will be at once made manifest. Let us take the statute-book of any one of the free Republics of America, and compare them with those of England. There is not a man living who would deny the immeasurable superiority of republican legislation. We shall in another part of this work have occasion to make this comparison.

As to diplomacy, these questions will suffice,—when has American diplomacy failed?—when has the American diplomatist been foiled by the superior skill of his opponent?—And the democratic armaments of America, when have they appeared to be inferior to the aristocratically-led forces of England?

The subject of office-seeking is one of importance in reference to the question, What are the effects of democratic institutions in America? It is the practice for all the office-holders to be turned out when their political party loses the ascendancy. The office-holders are, consequently,

the most active politicians. In England, on the contrary, most of the officers are appointed for an indefinite period, hold their offices for life, and are prohibited from interfering in elections. A similar prohibition might in time have the effect in America of diminishing the number of office-seekers, by better securing those office-holders in their places who are appointed for an indefinite period. But it is becoming the practice to elect men to fill offices for a certain period, and that a short one, in order that they may be kept under due subjection to the public, and also in order that the public may frequently enjoy the disposal of patronage, and be kept constantly interested in public affairs. The evils attending the system are that a prodigious number of office-seekers is created, the vast majority of whom are doomed to disappointment, and these office-seekers introduce a great deal of acrimony and personality into political contests, and cause principle to be too much disregarded; the great question with them being, not what is right, but what will keep the party together, and beat their opponents. It would seem to be right and expedient for the people to elect the judges and principal officers frequently, but the subordinates should hold their offices longer. A change to this effect would remedy a great and growing evil.

It is said that a majority of the English people would, if invested with the franchise, destroy the rights of property. It is inferred from the fact that aristocratic legislation has been partial and unjust, that democratic legislation would also be so contaminated. All experience is opposed to this assumption. All democratic legislatures have observed the just rights of property, although it is very true that popular legislatures have abolished those laws which tend to the accumulation of property in the hands of a favoured few.

Under a democratic system of legislation in England the number of owners of land would speedily increase: vast numbers of the electors and their near relatives would become freeholders. The introduction of the American system of conveyancing, and the abolition of the laws of entail, would, if the aristocracy were deprived of the government patronage now enjoyed by them, cause all the great landed estates in the kingdom to be broken up into parcels, and sold out to form little farms, the cultivators of which would be the owners. An equitable system of taxation would powerfully aid in producing this result; and this is the result actually feared by the aristocracy. There will be no violation of the rights of property; no equal division, and so forth, which the dupes of the aristocracy have been taught to believe is the object of the democratic party in England.

The great question in England is, at the present time, how far the electoral franchise should be extended. The experience of those people amongst whom the suffrage has for many years been universal, and a careful consideration of the subject, will lead every unprejudiced man to

the conclusion that the whole mass of citizens should be represented. What is to be gained by excluding those, for example, who are not householders? The character of the electoral body for intelligence and patriotism will not be elevated by that exclusion. The electoral body would be composed of married men of all classes; and it is true that no interests would be unrepresented. But the unmarried men are less selfish than the married; they are in the mass as intelligent, as honest, and as capable of exercising the electoral franchise as the householders, and are as much interested in just and reasonable legislation and government, besides being more independent. Why then should they be excluded? Although no good can be obtained by this exclusion, much evil may be wrought by it. The base of the representation will be too narrow to correspond with the superstructure.

One of the principal advantages of democratic government is the solidity of its structure, as well as the breadth of its proportions. The people cannot complain of a government of their own choice: as to the idea of taking up arms against it, that is entirely out of the question, when it has been established for a reasonable length of time. The people and their immediate representatives, elected at short intervals, cannot possibly differ in opinion. As observed by President Jefferson,—“A democratic form of government is the strongest in the world, because it is the only government for which the whole people will voluntarily lay down their lives.”

As to the minority, although they may be greatly dissatisfied with particular measures, yet believing themselves to be in the right, they hope before the next election to make numerous converts, become the majority, and thus obtain the legislative and governmental power by force of truth and argument. Hence no rebellions are likely to occur in a pure democracy. The decision of the majority carries with it an irresistible moral influence.

The late disturbance of the proceedings of the general assembly in Paris, served only to show the vast moral influence of a body of men elected by universal suffrage. All Paris rose at once to vindicate the dignity of the Assembly. The insurrection of June also, served only to show the devotedness of the great mass of the people to the government of their own creation. It was an event equally memorable and glorious.

The establishment of a police force in Paris of a civic character, similar to that in operation in the principal English towns, would suffice to prevent riots and insurrections. This system we understand is about to be adopted in Berlin. We trust that it will not be like the metropolitan police in the hands of the government, but will be a purely civic force, like that of the City of London and the other cities and towns in England.

If the suffrage be limited, the moral influence of the representative assembly is deficient; the minority in the assembly asserts, and perhaps

believes, that the non-electors are on their side, and relying on the natural and inherent rights of the people, resist the laws made by the majority of the electors to the utmost of their power. Fraud and force will be resorted to for the purpose of upsetting the government, and carrying into effect the supposed wishes of the people. Commotions and civil war are the natural and inevitable incidents of such a system.

When all are represented, no such disturbances happen ; the representatives of a minority of the electors cannot pretend to represent the feelings and wishes of the nation, but must wait for the next election. Hence we find that no party has ever thought of overturning the American government by force. And it is observable that in the three Swiss cantons of Schwitz, Uri, and Unterwalden, where universal suffrage has prevailed, the constitutions have remained for centuries unchanged, whilst the other nineteen cantons have undergone revolutions. The franchise being limited in the State of Rhode Island, the people rose four or five years ago to destroy the constitution by force ; no regular mode of obtaining redress being provided by the charter of Charles the Second.

Frequent elections are necessary to secure full respect for the decision of the majority, and for this reason representatives should be chosen annually. A partial adoption of the democratic principle would lead to numberless evils ; it must be fully and fairly adopted, or its principal advantages will be lost. Where universal suffrage prevails, the grumblers are in the minority. Men do not complain of the work of their own hands ; and the minority have frequent opportunities of enforcing their opinions in a regular way. Hence the people of the United States instead of complaining of the government, which is the established practice of the great mass of the people under monarchies, are always congratulating themselves on their freedom and superiority over other nations. He who complains is out of the fashion. The popular orators always boast of the comparative prosperity of the country, even when exaggerating the evils of the political measures of their opponents.

The consequences of a limited franchise have lately been exemplified in France. The chamber of deputies had no moral power ; it was not treated as representing France, but only as the exponent of a small section of the people, who constituted the electors. It was therefore held to be patriotic to fight against and destroy the government resting on that foundation. The electors of France being few were manageable. The general rule was that the elector looked for some personal advantage to accrue to himself, his relatives, or friends, from the exercise of the franchise, and the whole system was one of disgusting selfishness and corruption.

So in England it is a common practice for the voters to openly avow their selfishness ; patriotism is sneered at, and the father of a family who

talks about voting for any other purpose than to forward his own interest, is treated as a fool. The members of parliament are expected to use their influence with the ministry to obtain government situations for their constituents, and in return for it vote with the ministry. The tenant farmer scarcely ever thinks of voting differently from his landlord, and in the smaller boroughs, independently of the influence of the neighbouring aristocracy over the tradespeople, the downright purchase of votes is common. In a word the *English electoral system is at least as corrupt as that of France was before the late revolution*, and the chamber of deputies represented the people of France better than the house of commons represents the people of England. For although there are more voters in Great Britain and Ireland than there were in France, yet the qualification of the electors and the apportionment of representatives are so arranged that but one class in the empire—the great landowner class—is really represented, all the rest being entirely swamped. And this landowner class has the other branch of the legislature entirely to itself, which was not the case in France.

It is unsafe and impolitic to endeavour to set apart a large portion of the community to be taxed and legislated for, without being actually represented, either directly or indirectly. The danger and impolicy of the attempt to establish such a class in the bosom of the community have been sufficiently pointed out; but we may add, that the character of the class thus deprived of the rights of citizenship will of necessity be prejudicially affected. They will not have the bearing of freemen, the feeling of independence, the sense of personal dignity which distinguish the people of a democracy, where the rights of man are fully recognised. They will be mean, truckling, servile, and time-serving, for that is the general character of a people who are governed without being represented.

There is some difference of opinion in America as to the true character and application of the representative principle; for example, the right of instructing representatives, and directing them how to vote on any particular question, is claimed by many constituencies, but the claim is often disputed and denied. Again, it is contended that the people should decide directly, and without the intervention of their representatives, all the most important questions affecting the public welfare. But these claims appear to us to be in direct opposition to the representative principle. The representatives of the people assembled together have the advantage of a full and dispassionate examination of the question in dispute, and should vote according to their convictions. The representative usually communicates his opinions to the electors when he presents himself as a candidate for their suffrages; but if upon full discussion those opinions undergo a change, he should act accordingly.

Frequent elections should be had, in order that, when the representative differs from his constituents in opinion, they may be empowered to

dismiss him, if, after hearing his arguments, they continue to entertain views essentially different from those which he is disposed to advocate.

VII.

Equal Electoral Districts.—In all the American States the representation is based on the population. There are no little towns called boroughs, sending as many members as cities ten times as large, but equal electoral districts are established throughout the whole Union; that is to say, so many representatives are allotted for so many people. This principle, which is so glaringly violated in England, is too obviously correct for us to undertake its defence.

In England, a trumpery village town sends as many representatives as Manchester, Edinburgh, or Dublin; and the consequence is, that the landed aristocracy, who control the voters of the petty boroughs, do not care a straw about the voice of the great cities, which is drowned by the clamour of aristocratic nominees in the house of commons, called representatives. Indeed the so-called representation of the people of England, is a mere pretence, the only class really represented being the great landowners.

VIII.

Property Qualification for Members.—With respect to the absence of a property qualification for representatives in the American republics, but little need be said. In England and Ireland, a large property qualification is required (£600 per annum for the member of a county, £300 per annum for a borough member), because the institutions are designed to secure class legislation—i. e. law-making and government for the aggrandisement of aristocrats. The eldest sons of peers and members for the English universities require no property qualification. We are aware that many of those who favour this system have reasoned themselves into the belief that it is all for the benefit of the people.

It was a favourite argument with Burke, and is a favourite argument with the champions of aristocracy, that it is necessary to sustain a pampered class by legislative enactments, and that the people ought to feel very grateful to that class. Suppose, say these reasoners, all the rich were deprived of their food, the poor man would not get half an ounce more meat than he now gets. But that is not the question: it is not how much the aristocracy eat, but what are the consequences, political, social, and moral, of their monopoly of the land, of legislation, government patronage, and all the power of the State?

The argument in question assumes that it is a matter of perfect indifference to the welfare of a community what system of land tenure may prevail, and that it is utterly unimportant whether the institutions of a country are despotic, aristocratic, or founded on the popular will. On

the contrary, it appears to us that these are all questions of paramount importance; and we find that all people who govern themselves are high-spirited, intelligent, moral, and prosperous, whilst those who are deprived of the first right of humanity, self-government, and governed by a set of men by fraud and force, are to a great extent grovelling, immoral, ignorant, wretched, and degenerate.

In a democracy, the representative is not required to be a man of property, because it is not designed that the legislation of the country shall be effected for the especial benefit of the property-owning class. It is only required that the representative shall be a citizen of mature age, in whom the electors have chosen to place their confidence.

When this principle was violated by the framers of some of the early American constitutions, democracy was not so thoroughly understood as it is now. But we have seen that the violation was only a nominal one, the qualification being very small in amount. It was a heedless imitation of the example set by the mother country.

There is no better reason for a law requiring a representative to be a man of property than there would be for requiring an admiral or a judge to own so many acres of land, or an attorney or physician to have fixed property producing a specified income.

IX.

Voting by Ballot.—This is the most convenient mode of voting, especially when a large number of officers are elected at the same time. It is almost universally adopted in the several Republics, but in Virginia and Kentucky, and perhaps in one or two other States, the balloting system is not used.

In England it is contended that the voting ought to be open, because the non-electors have a right to know how the electors exercise the franchise. This is a fallacy: no such right is claimed or recognised. The true reason for objecting to secret voting in England is that it would seriously diminish the influence of the landed aristocracy, who now control most of the electors. These aristocrats want to retain a check upon the voters, by retaining the means of ascertaining for whom they vote. It is important to have the vote by ballot in the present condition of society in Great Britain and Ireland, to prevent the employers in the rural districts from assuming to control the votes of the labourers. The practice of voting by ballot tends to make the elections peaceful: there is no squabbling at the poll-booth, and the man who casts an unpopular vote is not hooted at by the crowd.

In many of the States there is a political party called the liberty party, the members of which refuse to cast their votes for either Whigs or Democrats, preferring to testify their support of candidates who are determined to make opposition to slavery the cardinal point. These

men know that their candidates cannot succeed, but also know that the moral influence of their protest will be great at some future time. Now many of these men would be too timid in some districts to encounter the jeers and scoffs of the populace, which they would have to submit to if the voting were not by ballot. Secret voting can in no case produce mischief, but may and does in thousands of cases protect the voter from undue influence. When the franchise is limited, and the system of society is aristocratic, then voting by ballot is necessary, to protect the voter from the coercion of his superiors; when the suffrage is universal, voting by ballot is useful, to prevent the voter from being too much influenced by the current of popular opinion in the district in which he happens to reside.

X.

Remuneration of Representatives.—In all the States the representatives of the people in congress and in the State legislatures are paid for their services. All governors and other officers are likewise paid. This is an important feature in the theory of democratic government.

In England the members of parliament are not paid for their services.

In ancient times the members of the house of commons were paid by their constituents, but now the lords and commons legislate gratuitously; and a member of the house of commons usually has to expend large sums of money to defray the expenses of his election. Each party employs lawyers to attend the registration courts, where hundreds of knotty questions of law and fact have to be disposed of every year in making out the list of voters. Here is another evil consequence of the present limited franchise. The battles fought in the registration courts require large supplies of the sinews of war, and each political party is usually compelled to select a candidate who can and will subscribe handsomely towards the expenses of the party in the registration courts, and at the election. All this has the tendency desired by the aristocratic party, namely, the exclusion of mere men of talent in favour of men of money. In England one must belong to the independently wealthy classes in order to be qualified to represent the people, for in addition to the direct qualification required by law (which does not apply to Scotland), the member must give up his time, must live in an expensive style in London, and, in addition to all that, must in most instances pay hundreds of pounds towards the expenses of the party to which he belongs, or his patron, friends, or relatives must pay for him.

Looking, then, at the English electoral system, at the law requiring the member to be a man of large property, and to render his services gratuitously, and regarding also the social position of the member of parliament and the enormous expenses attendant upon the registration of voters and the election, we need not be surprised at the absence of

men of talent from the house of commons, and the eternal presence there of arrogance and aristocratic insolence, with corresponding shallowness and stupidity.

In a democracy, the representatives of the people are paid for their services, because it is desired to get men of talent to serve the country, irrespective of the question, whether they are rich or poor. The democrat would as soon think of having unpaid generals and judges as unpaid representatives. The unpaid representative or officer is inefficient and comparatively negligent: no reliance can be placed upon him. Besides, he expects a *quid pro quo* in some shape or other—the disposal of patronage or the exercise of power, not as the servant, but as the master of the people.

The Americans regard all public functionaries as their servants, and they ought to be so regarded. Care is taken that the functionary shall not have too long a lease of power, nor too large a remuneration. He is thus prevented from becoming haughty and overbearing. The contrast between the behaviour of an English official and an American is very remarkable: the former is haughty towards his inferiors, and servile to his superiors, whilst the American is civil and courteous in his behaviour to all alike. The English unpaid justice of the peace lords it over the suitors, prosecutors, and witnesses; the American paid justice of the peace treats all around him with perfect familiarity, and is himself treated with proper respect.

The principal features of the American electoral system have recently been adopted by several of the most important nations on the continent of Europe in all their integrity. France has imported the American electoral system entire and unalloyed; and Germany and Italy have not fallen far short of the glorious example of the United States. Holland has just adopted a constitution with a broad electoral basis. The representatives are not required to possess any property qualification, but are paid for their services, and one-third of their number is chosen every year. After considerable discussion, universal suffrage was preferred to household suffrage by the German convention at Frankfort; and the same result will follow a calm and dispassionate discussion everywhere else. Under the American electoral system, the voters are not personally solicited by the candidates for their votes. The candidates are nominated at meetings of their respective parties, and tickets are printed with their names upon them, for the voters to deposit at the polls. The candidates address the people at public meetings, but do not go round, as English candidates do, and ask each elector for his vote and interest.

9 More seemly too than the proceedings of the house of commons are those of the American legislatures. The house of commons can hardly be called a deliberative assembly. It is not the practice with many to listen to the speeches, which, moreover, being addressed to an impatient

auditory assembled at night to vote upon and decide questions, not to discuss them, are generally of the most contemptible description as specimens of logic, although some of them may pass muster as specimens of oratory. The members are seen lying stretched at full length on the benches fast asleep. The man of the people cannot obtain a hearing; when advocating the principles of democracy, he will be hooted down by the aristocracy and their minions. It is true that actual personal encounters do not take place on the floor of the house, as they have done two or three times in the far Western States, but challenges have not infrequently been delivered and accepted in the house of commons. The language of the speakers may be less offensively personal than is sometimes heard in the legislative assemblies of the Southern and far Western States, but this does not compensate for the general unstatesmanlike behaviour of the house of commons, and the practical exclusion of liberal sentiments, and of calm and deliberate discussion on most important occasions.

In the American legislatures the members assemble in the day-time for the transaction of business; each member is provided with a desk, pens, ink, and paper; the discussion is quiet and orderly, uninterrupted by those cries and noises which characterise the English house of commons, and entitle it to its nick-name, "the bear-garden."

CHAPTER III.

THE CONSTITUTION AND GOVERNMENT OF THE UNITED STATES.

- I. How it was formed—Its object and general character.
- II. *The Legislative power*—The House of Representatives, how elected and paid.
- III. The Senate, how chosen, for what time.
- IV. Various provisions in the Constitution, designed to preserve the separate nationality of the various States—Counteracting provisions and compromise of principles.
- V. *The Executive*—The President, how chosen—Qualification—Powers and duties.
- VI. Remarks on the respective powers of the President, Senate, and House of Representatives.
- VII. *The powers of Congress.*
- VIII. Express limitations of its powers.
- IX. Limitations of the powers of the States.
- X. The federal judiciary.
- XI. Miscellaneous provisions in the Constitution.
- XII. *Remarks on the Constitution of the United States.*—Its capacity to embrace an extensive territory—Probable change of the Constitution—Consequences of the unequal representation of the people of the whole Union in the Senate—Reduction of the power of the President—Whether he and his Ministers should be chosen by the two houses and removed at pleasure—Propriety of increasing the power of Congress.

I.

This constitution was formed on the 17th September, 1787, by delegates from a large majority of the original thirteen states, and it was afterwards adopted by the whole of them. It went into operation on the first Wednesday in March, 1789; and certain amendments were effected in the years 1789, 1793, and 1803.

The object of the several States in forming the Union was, as already explained, to obtain the benefit of a combination for the common defence, and other important purposes, without losing the advantages of local legislation and self-government in matters which could not affect the confederacy. Some persons were in favour of a consolidated government, but the vast majority preferred that each State should remain an independent Republic, and that these various Republics should form a Union, or treaty of alliance, with each other, each giving up a portion only of its sovereign power to the confederacy.

The constitution has provided a federal executive, a federal legislature, and a federal judiciary. The limits of each department are defined, and there is as little interference as possible with the sovereignty of the

several Republics. The legislative power is vested in the president, senate, and house of representatives. The executive power is in the hands of the president and senate.

II.

The House of Representatives.—Qualification of Electors.—Equal Electoral Districts.—The electors of each State elect as many representatives as they are entitled to, according to the population of the State. The people of all the States are enumerated every ten years, and the number of representatives to be sent by each State is determined accordingly. At first there was one representative for every 30,000, but now for every 70,680. The election of representatives is made directly by those electors who vote for the most numerous branch of the state legislature.

Qualification of Representatives.—The representative is not required to hold any property, nor to entertain any particular religious opinion. He must be twenty-five years of age, must have been a citizen seven years, and an inhabitant of the State for which he is elected.

Term of Election.—The election takes place every second year, and each State is divided into districts, with one representative for each.

Payment of Representatives and Senators.—Each member receives a compensation for his services, regulated by act of congress, and paid out of the treasury of the United States.

III.

The Senate.—Each State chooses two senators, but the people do not elect them directly, they are chosen by the State legislature on joint ballot, whilst the members of the house of representatives at Washington are chosen by the people directly.

Qualification of Senators.—There is no restriction as to property or religion. The senator must be an inhabitant of the State for which he is elected; must be thirty years of age; and must have been nine years a citizen of the United States.

Term of Election.—The senators are elected for six years, but an election of one-third of the number takes place every two years. This is managed as follows:—After the first election which took place, the senators were divided into three classes. The seats of the senators of the first class were vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third might be chosen every second year. There is never a dissolution of the senate. In order to prevent too great a change from being made at any one election, there can only be a third of this august body chosen at one time. Each State, whether great or small, sends the same number of representatives to the senate; but the number sent by each State to the other house depends

upon its population. The conservative character of the federal senate is preserved by several means. Its members are chosen for a long term; are not chosen by the people directly, but indirectly; and no great change in the composition of the senate can be made all at once.

IV.

The Union a Confederation.—It will be observed that the several Republics do not form a consolidated government, but that each retains in a great measure its separate nationality; so that the Union really is a confederation of States. For the preservation of this principle, it is provided that no amendment of the constitution shall be made whereby a State shall, without its own consent, be deprived of its equal suffrage in the senate. Congress is allowed to admit new States into the Union; but it is declared that no new State shall be formed or erected within the jurisdiction of any other State, nor any State formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the congress. The consent of three-fourths of the States is necessary before any amendment can be made in the constitution.

In the election of president, if no candidate has a majority of the whole body of the electors, it is provided that the house of representatives shall choose the president from the three persons having the highest number of votes; but that in making this choice the votes shall be taken by States, the representatives from each State having one vote. The real powers of government are vested in the senate; the president is practically subject to that body, and the house of representatives is comparatively insignificant, except as an arena for discussion. On the other hand, the separate sovereignty of the States is lost sight of in the election of the house of representatives, and also in the election of the president by the people, numbers alone being regarded.

The truth is that the constitution was based on a compromise of principles. Each State was jealous of its separate rights, and yet all the States were anxious to form an alliance. The slave States, fearing they would be out-voted in the house, required that their slaves should be reckoned as part of the population, according to the extent of which the number of representatives in congress was to be allotted to each State from time to time. This claim was partially conceded: it was agreed that five slaves should be reckoned as three people; and the new slave States have been allowed the same privilege in this respect as the old ones.

V.

The President is chosen for four years, and may be re-elected; and this is the custom, but none have been elected a third time.

Mode of Election.—The legislature of each State provides how the presidential electors shall be chosen by the people. The number of electors to which each State is entitled is the same as its number of senators and representatives in congress. The common practice is for the people in voting for the presidential electors to put the name of the proposed president on the voting-tickets, so that the electors named to choose the president, in practice only go through the form of casting their ballots for the man of their party in whose favour the people have expressed themselves. In South Carolina the legislature chooses the presidential electors for that State. The names of the persons voted for, with the number of votes for each, are transmitted by each State to the president of the federal senate at Washington.

The Vice-President is elected in the same way as the president, except that the *senate* chooses the vice-president when no one candidate has received a majority of the votes of all the States. The only functions of the vice-president are to preside over the deliberations of the senate and serve out the presidential term in case of the president's death or disability.

Qualification of the President.—With respect to property and religion, no qualifications are demanded or conditions prescribed. The president must be a natural-born citizen, and thirty-five years of age. The president's compensation must neither be increased nor diminished during the time for which he shall have been elected. At present he receives 25,000 dollars per year (£5,000), and the vice-president receives 6,000 dollars. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the duties of the office, his place is taken by the vice-president. The constitution gives power to congress to provide for the case of the resignation, death, &c. of both president and vice-president.

Powers of the President.—His consent is necessary to all acts of congress, unless two-thirds of both houses concur in overruling his objections. He is commander-in-chief of the army and navy of the United States, and of the militia of the several states when called into the service of the Union. He has power to grant reprieves and pardons for offences against the Union, except in cases of impeachment. He has power, with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur. He nominates and, with the advice and consent of the senate, appoints the cabinet, foreign ministers and consuls, judges of the supreme courts, and other officers of the United States. But congress is empowered to vest the appointment of inferior officers in the president alone, in the courts of law, or in the heads of departments. The president has power to fill up all vacancies that may happen during the recess of the senate. He may convene both houses on extraordinary occasions. He receives ambassadors and other public

officers, and recommends congress to consider such measures as he shall judge necessary and expedient. The president and all civil officers may be removed from office on impeachment. After such removal, they may be tried and convicted in the ordinary way.

VI.

Remarks on the Powers of the President and Senate.—The principal powers of the president are shared by the senate. The consent of that body is necessary to the dispensation of patronage and the formation of treaties. The president's cabinet cannot be formed without the consent of the senate; so that he is in a great measure responsible to that body, and can hardly carry on the government without its concurrence. From all this it will be seen that the senate is the great power in the American Union, and that the house of representatives is comparatively of little importance. The legislative power of Congress is so very restricted that there is scarcely anything to be done in the way of legislation, and the house of representatives can do little more than talk about the conduct of the executive and pass resolutions which are of no vitality unless concurred in by the senate. All office-seekers address themselves to the president and senate, the real government of the Union. The president and senate can, in the exercise of the treaty-making power, commit the Union to any line of policy they may choose. Commercial treaties may be formed either on free-trade or protection principles, without the interference of the house of representatives. The president can, as commander-in-chief, order the forces of the Union to commit acts which may lead to war; but war cannot be declared, nor money raised nor appropriated, without the consent of the house.

It is advisable to deprive the president and senate of the greater part of the patronage at present dispensed by them. Many of the officers, *e. g.*, postmasters, might safely be elected by the people in their respective districts, and many more should be appointed by the heads of departments.

VII.

The Powers of Congress.—The constitution provides that the congress shall have power to lay and collect taxes, duties, imposts, and excises to pay the debts, and provide for the common defence and general welfare of the United States, but all duties, imposts, and excises must be uniform throughout the United States. To borrow money on the credit of the United States. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States. (This latter power with respect to bankruptcies is not now exercised, but it has been on two occasions.)

To coin money, and regulate the value thereof, and of foreign coin ; and fix the standard of weights and measures. Congress provides post roads and post-offices ; secures to authors and inventors the exclusive right to their productions for limited terms ; constitutes tribunals inferior to the supreme courts ; and punishes piracies and other crimes against the laws of nations. It has the power to declare war ; to raise armies and fleets ; make rules for their government ; to call out the militia, in order to suppress insurrections, and execute the laws of the Union ; and to provide for organising, arming, and disciplining the militia. It has the exclusive control and management of all forts, arsenals, and dock-yards belonging to the United States. It may make any law necessary for carrying all these various powers into execution.

Congress assembles at Washington, in the district of Columbia ; a piece of land ten miles square, belonging not to any one of the States, but to the Union at large ; and over this district congress, until very recently, exercised exclusive legislation.

VIII.

Limitations of the Powers of Congress.—Congress is not allowed to suspend the privilege of the writ of *habeas corpus*, except in cases of rebellion or invasion. Direct taxes must be levied in proportion to the census or enumeration before directed to be taken. No direct tax is at present levied by congress. It is declared that no tax or duty shall be laid upon articles exported from any State. No preference shall be given to the ports of one State over those of another. No title of nobility is to be granted by congress.

IX.

Limitations of the Powers of the States.—No State can declare war, or make a separate treaty ; coin money ; grant any title of nobility ; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts. No State is allowed to impose duties on imports or exports.

X.

The Judiciary.—The judicial power of the Union is vested in a supreme court, and such inferior courts as congress may from time to time establish. The judges of the supreme court are elected for life by the president and senate. The federal courts are established for the purpose of deciding all such cases as could not properly and fairly be left to the courts of the individual States, because of the general interests of some or all of the States, or their citizens, being involved in the matter in controversy. The constitution precisely defines the jurisdiction of the federal courts. It is to extend to all cases arising under the constitution, or the laws and treaties of the United States ; to controversies to which

the United States shall be a party; to controversies between two or more States, or between citizens of different States, &c. But the jurisdiction is not to extend to suits against a State by citizens of any other State or foreigners.

XI.

Miscellaneous Provisions.—The citizens of each State are entitled to all privileges and immunities of citizens in the several States. Provision is made to reclaim slaves who may escape from one State to another. Congress is empowered to dispose of and govern the territory of the United States. The United States guarantee to every State in the Union a republican form of government; and also undertake to protect each of them against invasion and domestic violence. No State would be permitted by the Union to establish a monarchy or aristocracy. Amendments to the constitution may be proposed by two-thirds of both houses of congress, or by a convention called for the purpose, on application of two-thirds of the States; and when ratified by the legislatures of three-fourths of the several States, or by convention in three-fourths thereof, they become a part of the corrected constitution. Certain amendments were made in 1789 to prevent misconstruction or abuse of the powers of congress. These declare that congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press, &c. It is also declared that a well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The amendments also contain many valuable provisions respecting the quartering of troops, unreasonable searches and seizures, and the form of trials in the federal courts.

XII.

Remarks on the Constitution of the United States.—This constitution is well adapted to embrace a vast extent of country and a great number of States. Each State makes its own laws, and manages its own affairs, deriving from the Union protection from foreign aggression, and enjoying all the advantages of free trade with wealthy and powerful neighbours.

It is probable that the federal constitution will be amended so as to be placed upon a more popular basis. The great western States will, in the course of time, become dissatisfied with the disproportionate power of the small eastern States, and will insist on appropriate amendments.

It would have been better, in the first instance, if all the states could have been represented in both houses on one and the same principle, according to their respective populations. Much heart-burning and jealousy have arisen from the violation of this principle, and from the concessions made to the slave States in allowing the whites in those

States more representatives in proportion than their brethren in the free States. It is impossible to attach the same moral weight to the decision of the people of the little State of Delaware as to that which of right belongs to the decision of the great State of New York. That system which puts them both on the same footing is inexpedient, and will be altered.

When the Union was formed, abstract principle gave way to some extent to expediency; the Union would not have been effected, if the small States had been refused the same power as the large ones in the senate. But experience having established the advantages of the Union of the various States, they would all now gladly agree to it on the true democratic principle, if compelled to choose between a Union on such terms and isolation.

Under the present system, the slave States have controlled the senate, and through the vast influence of that body managed the affairs of the Union, although the great majority of the citizens are in the free States. This anomaly becomes more obvious every day, and the great departure from democratic principles just adverted to may soon cause serious dissatisfaction. The probability is, however, that in the course of a few years the small slave States of Delaware and Maryland will abolish slavery, and this may temporarily allay the rising spirit of complaint.

If a new constitution were formed, it would probably be better to have the president and the chief officers of the government elected by the two houses, from amongst the members; and that, after such election, they should continue to sit, speak, and vote in the chamber to which they have been elected. The government should, in that case, be bound to resign, when both houses pass a resolution of want of confidence. The powers of the president should be reduced, and the representative principle fully adopted in the election of both houses.

The experience derived from the working of the more modern State constitutions shows that there is no necessity for conferring great powers upon the governors. In England, the continuance of ministers in office depends upon their having a majority of supporters in the house of commons; and, although that house does not represent the people, the experience of England shows the practicability of a government being made responsible to the true representatives of the people, and removable at pleasure.

Perhaps it will be said that it would be undignified for the president to take part in the debates. It may be answered, that the prime minister of England, the virtual head of the government, does not think himself demeaned by taking his seat in the house of commons, and participating in its proceedings.

Great practical inconvenience may arise from the election of a president for a term certain: his policy and that of the representatives of

the people may be in direct contradiction to each other; the president may become partially deranged or affected in his intellect, yet may continue to exercise the powers of his office during the whole of the term of four years.

The judges of the federal court should be elected for a short term of years, instead of being chosen for life; and they should not have the power to pronounce acts of congress unconstitutional. It was the opinion of Jefferson, that the judges should be deprived of the latter power. They should, however, retain the power of pronouncing acts of the State legislatures to be null and void, as contravening the federal constitution and laws, otherwise each State might violate that constitution with impunity.

It does not clearly appear that any solid objection could be raised to conferring the power upon congress to legislate generally for all the States on any subject, when, in the opinion of a very large majority of both houses of congress—say three-fourths—the *general welfare* of the Union would be advanced by such legislation. At present, it is disputed whether a bare majority cannot enact any measure deemed absolutely necessary for the preservation of the Union. There is a power to levy taxes for the general welfare. But each State should have its separate legislature, so as to enjoy the benefits of local self-government; subject, however, to the exercise of a paramount power by congress in those matters over which congress now has jurisdiction, and in all the other matters in the extraordinary instances before mentioned. }

CHAPTER IV.

THE CHARACTER OF AMERICAN LEGISLATION AND
GOVERNMENT.

- I. The Statute Law of Congress and of the States: its brevity and clearness—General acquaintance of the people with the Laws—Codification—Abolition of Entails and Primogeniture—Laws respecting Land tenures.
- II. Laws for providing gratuitous Education—Equality at School—Public Libraries—Vast results of general Education in America—Contrasted with England.
- III. Laws for the simplification of the Transfer of Land—Register of Deeds—American system of Conveyancing contrasted with the English.
- IV. Its adaptation to England—What would be its effects.
- V. Judicial Sales of Land in America—Partitions—Sales of Lands by Guardians, Executors, &c.
- VI. Advantages derived from the easy Transfer of Land—What would be its effects in England.

I.

A great number of the men elected by universal suffrage have had a legal education. These men possess much more aptitude and ability for legislation than the landed aristocracy of England. In all the States the statute law is in a small compass, although more important matters are the subject of legislation, and fewer points are left to be determined by the common law than in England.

In Ohio, for example, all the statutes of a public general nature are periodically reviewed by the legislature, and published in a cheap form. A single volume comprises the whole. The various subjects are arranged alphabetically, and there are notes of all the decisions of the supreme court which give them a construction. The cost of this book, of 1,000 pages, is about six shillings, and it is found in the hands not only of professional and literary men, but also in those of farmers and mechanics, and is exposed to sale even in the market-places. The consequence is, that a tradesman or farmer in Ohio is commonly better acquainted with the laws of his country than the English gentleman is with the laws of England, even though he be in the commission of the peace. Nor is the citizen of Ohio distinguished from the citizens of the other free States in this respect. Compare this state of things with the confused and voluminous mass of acts of parliament in England; where even the lawyer, with a large practice, seldom pretends to be acquainted with the statute law, and hardly any one has the statutes at large.* The language, too, of

* Lord Brougham, in his speech on legislation and the law, in the house of lords,

the American laws is superior to that of the English in style and legal precision, so as to be more intelligible as well as more accessible.

It is provided by the new constitution of the State of New York that three commissioners shall be appointed, whose duty it shall be to reduce into a written and systematic code the whole body of the law of the State, or so much and such parts thereof as to the commissioners shall seem practical and expedient, and they are to specify such alterations and amendments as they shall deem proper. This example will no doubt be followed in the other States, and a complete code will be formed in each of them, incorporating the wisdom, but rejecting the abuses of legislation.

A leading feature of American legislation is the abolition of all the old laws in force in colonial times, which tended to the accumulation of wealth in the hands of a few—in a word, to the formation of a landed aristocracy. The laws allowing landed property to be entailed have accordingly been swept away, as well as the law of primogeniture.

Property of all kinds is in most of the States equally distributed amongst the children of the deceased intestate, and in none of them does the eldest son exclude the younger sons or the daughters. When a will is made, it seldom prefers one child to the others, although the law does not place any restraint upon the power of the testator in that respect. He may dispose of his property as he pleases; whereas, in France, his testamentary power is limited. The law for securing the distribution of property will always prevent the existence of an aristocracy—the children of the rich become poor, those of the poor become rich.

The new constitution of the State of New York prohibits leases or grants of agricultural land for a longer period than twelve years, in which shall be reserved any rent or service. And all fines or other like restraints, upon alienation, reserved in any grant of land, are to be void.

II.

Education.—The legislation of the free States on the subject of education is worthy of all praise. In many of the States, a large part of the public lands has been appropriated to education, and the balance of the money required for that purpose is raised by taxation.

The children of the poorer classes receive an excellent education, un-

on May 12, 1848, thus describes British legislative enactments:—"A mass has been engendered, in which the obscurity of darkness alternates with the glare of cross-light; meagre explanation with inexcusable prolixity; repetition with omission; repugnancy with truism; a mass which, if it be not termed nonsense and contradiction, only escapes those epithets from the respect due to the venerable name of a statutory record."—"The reports of cases in the courts fill 500 volumes, the statutes near 40,000, or between 30,000 and 40,000, quarto pages; while Napoleon's whole codes, five in number, crept into 750 duodecimo pages. Well might he boast that he should descend to future times with his code in his hand."

mixed with religion, and without expense to their parents. The public common schools are so well conducted that the master tradesmen, farmers, and others, who could well afford to pay for the education of their children, prefer sending them to these public schools, although they mingle there on a footing of perfect equality with the children of the poorest people in the district. At these schools, therefore, the youth learn their first lesson of republican equality, and in after-life they discern that the great men of the country commonly rise from the lowest position in society.

Endowed colleges abound, at which great numbers of young men complete their education, at very little expense. A classical education is bestowed gratuitously in some of the States. The mechanic's son often receives a collegiate education, and becomes a doctor of divinity, a lawyer, or physician. This is a common thing in all the States. The man of talent is sure to rise; the man without talent is equally sure to fail, whatever may be the position and influence of his friends. In this way the democratic system infuses hope and energy into the whole mass of the population.

The education commenced at school is continued throughout the American's life. All classes read newspapers and books, and hear lectures, speeches, and debates. Public libraries and reading-rooms abound in the large towns. In some of the States a public library for adults is provided, at the expense of the commonwealth, in each school district.

The difference between the European and American is obviously caused by the difference between the European and American political systems. The former debase, the latter elevate, mankind. In England the church has assisted in preventing a national system of education, by claiming the right of imposing its dogmas upon the children of all religious sects. The state, moreover, has been indifferent, or rather averse, to providing the means of instruction.

As to the English colleges and universities, they are practically closed to all but the rich; and even many of the public charity-schools have been appropriated by the aristocracy, to the utter exclusion of those classes for whose benefit they were endowed. The American labourer's son is usually better educated than the son of an English master tradesman. It must be understood that we speak throughout the whole of this work of the free States only, except when the slave States are specially mentioned. The daughters of American mechanics are much more accomplished than the daughters of Englishmen in the same class of life, and possess infinitely more personal dignity, in consequence of the absence of a domineering class of acknowledged superiority.

III.

Publicity of Land Titles.—The laws for the simplification of the *transfer*

of land are of vast importance. In all the States there are registers kept of all the deeds relating to the land, whether conveyances, mortgages, or leases. The importance of this system is not known in England, or a popular demand would be raised for its introduction into this country. An explanation of the system of transferring land in Ohio will serve by way of illustration of the system prevailing throughout all the States, for the principle is the same in all of them. In each county there is a register kept of all the deeds affecting the title to the lands within the limits of that county. An officer, called a recorder, is elected by the people every three years: it is his duty to cause the deeds brought to his office to be copied at full length into the books kept for that purpose. The fees for making these copies are about three shillings. The recorder's certificate appended to the copy of a deed, makes the copy good evidence wherever the original deed would be received. All wills, judgments, and decrees affecting the lands in the county, are also recorded in the office of the clerk of the court of common pleas or supreme court. The whole legal title, therefore, is on record, and open to the examination of anybody without charge. Generally speaking, the title to land is, in consequence of this publicity, notorious, and the purchaser does not find it necessary to fully examine it. He may easily look at the recorded title-deed of the man from whom he intends to purchase, and ascertain whether he has charged or encumbered the property. This will cost the purchaser nothing—there are no fees to pay for the search; and if he be a man of ordinary intelligence he is quite able to make these inquiries himself: nor can he have far to travel, for the recorder's office is in the centre of the county, which is only twenty miles square. In some cases, however, where the title is obscure or complicated, it may be expedient to employ an attorney to examine the records, for which, and preparing the conveyance, the fee of one or two guineas is ample remuneration.

Marriages, births, heirships, intestacies, and so forth, are usually established by regular evidence taken before the courts on the distribution of assets, and may be examined easily and without expense; whereas, in England, the conveyancer has to rely upon unauthorised and *ex parte* statements and affidavits. In England, too, it is the practice to rely upon previous examinations of the earlier title made on behalf of former purchasers; and it is usual to insert in the conditions of sales of property by public auction various restrictions of the purchaser's right to inquire into the title. Under the American system, the title can be more fully examined than it can in England, and yet the expense attending the transfer of real property is at least twenty times greater in England than in America.

The publicity of land titles has conduced to the adoption of a more simple form of conveyance than that which prevails in England. No

recitals are necessary, because the important facts are on record, and, instead of limited covenants for title, a simple warranty is made in few words. No covenant to produce title-deeds is required. Of course the absurd practice of conveying by lease and release to uses, the execution of two deeds instead of one, and a roundabout declaration of trusts instead of a direct conveyance to the purchaser, has long since ceased in every part of the United States, and each conveyance is a simple grant from the seller to the buyer.*

IV.

There is no reason whatever why the same system should not be adopted in England: on the contrary, there exist the most urgent considerations for its immediate introduction. The consequence would be, that in a majority of cases each man would prepare his own conveyance. This is the common practice in America: the purchaser goes to a stationer's shop and procures a printed form of conveyance, for which he pays about 2d.; he fills up the description of the property, copying from the last deed. The seller goes before a justice of the peace, and

* The following is the ordinary form of such a deed:—Know all men by these presents, that I, E. Fisher, of the city of Cincinnati, in the State of Ohio, in consideration of the sum of one thousand dollars, lawful money of the United States, to me in hand, paid by George E. Pugh, of the same place, the receipt whereof is hereby acknowledged; have granted, bargained, and sold, and do hereby grant, bargain, sell, convey, and confirm to the said G. E. Pugh, and his heirs, and assigns all and singular the real estate, situate in Cincinnati, which is described as follows, to wit:—That piece of land known and designated as Lot No. 135, on the general city plot, lying at the north-east corner of Third and Sycamore streets; and being one hundred feet on the east side of Sycamore-street, by two hundred feet on the north side of Third-street; and the same lot, granted originally by John Cleves Symmes, the patentee, from the United States, to John Doe, and conveyed to said John Doe by deed, dated 1st January, 1795, and which is recorded in Book A., page 365, of the Records of Deeds for Hamilton county. Together with all the privileges and appurtenances to the same belonging, or in any wise appertaining. To have and to hold the premises, and all the appurtenances, to him, the said G. E. Pugh, and to his heirs and assigns, for ever. And the said E. Fisher, for himself, his heirs, executors, and administrators, doth hereby covenant with the said G. E. Pugh, and his heirs, executors, and administrators, that the title so conveyed by these presents is clear, free, and unencumbered; and that he will, and they shall, for ever warrant and defend the same from all claims and demands of all persons whatsoever. In testimony whereof, the said E. Fisher (together with Julia, his wife, who hereby releases all her right of dower in the premises), have hereunto set their hands and seals, this fourth day of July, A.D., eighteen hundred and forty-eight.

EDWARD FISHER, (Seal.)

JULIA FISHER. (Seal.)

Signed, sealed, acknowledged, and delivered, in the presence of T. F. Corry and O. M. Spencer.

State of Ohio, Hamilton County.

Before the subscriber, Jacob Flinn, a justice of the peace within and for the county aforesaid, personally came the foregoing grantor, E. Fisher, together with Julia, the wife of the said grantor, and acknowledged the foregoing instrument to be their voluntary act and deed, for the uses and purposes therein mentioned. And the said Julia Fisher, having been by me privately examined, separate and apart from her said husband, E. Fisher, and the contents of the above deed fully made known and explained to her, declares that she signed and sealed the same of her own free will and accord, and without any fear or coercion whatever; and that she did, and now doth, acknowledge the signing and sealing thereof, as her voluntary act and deed; and that she is still fully satisfied therewith. In witness whereof I have hereunto set my hand and seal, the day and year last above written.

JACOB FLINN, J.P. (Seal.)

acknowledges the deed, pays him 1s., and the deed is completed, and ready to be recorded, which may cost about 3s. more. Contrast this with the English system, which is at once ruinous in its operation and antediluvian in its character.

Let us take a case where a dwelling-house, or a small piece of land, is sold for say £200. The seller goes to his solicitor to prepare a written agreement for the sale. This of itself costs more than the examination of the title and the perfection of the conveyance in America. The vendor's solicitor then makes out an abstract of the title, which may be considered very short, if it be only ten sheets. Say that part is drawn and part copied: this will cost about £3. It is sent with a letter to the purchaser's attorney, for which letter a charge of about three shillings and sixpence is made. The purchaser's solicitor charges for perusing the abstract £1, and he then examines the abstract with the title-deeds. Let us suppose that the title is so plain and simple that there is no occasion to make a single remark upon it: the conveyance is drawn, it is twenty-eight folios in length, a copy is made and sent to the vendor's solicitor, he charges for perusing it, makes, we will suppose, no alterations, everything goes on smoothly, he returns the draft, it is engrossed, and an appointment made to settle the business. The conveyance is thus written out three times; each letter written by either solicitor is charged for, and so is every attendance. The charges amount to about £10, besides the stamp; £2, if the property is leasehold, and usually £1 15s. more, if it be freehold. Is not this a pretty exhibition for the year 1848?

It seldom happens, however, that the expenses are so small as those detailed above: they are generally double as much. There may be correspondence between the lawyers upon the title; certificates of births, deaths, and marriages may be required, and affidavits; the title-deeds may not be at the office of the vendor's solicitor; a covenant to produce them may be necessary; and this leads to another set of charges made by the solicitor for the covenantor for perusing the deed, copying it, correspondence, &c. If it be necessary for the vendor's wife to join in the conveyance, that will cost £5 or £6 more; and if the land lies in Middlesex or the West Riding of Yorkshire, where there is, a so called, registry of deeds, nearly £2 will be added to the expenses. The registry in those counties is utterly worthless. The deeds are not copied, but there is a mere memorial registered, stating that a deed of some kind or other affecting the premises described has been executed. The only effect of such a registry is to increase the expenses.

In Ohio, the extra expense caused by the wife's joining in her husband's conveyance will be 1s.: the fee paid to the justice or notary for taking the acknowledgment apart from her husband that she has freely executed the deed. The law requires the deed to be executed and attested in a particular manner, in order to pass the legal title, which

requisition has sometimes been neglected. This has occasioned considerable litigation, all which might have been avoided by the simple provision, that whatever would suffice to pass the title in the contemplation of the courts of chancery should suffice at law. The forms of acknowledgments of married women have often likewise been defective ; but all difficulty on this subject might have been avoided by omitting to require any specific form of certificate, and by a law authorising the presumption that the justice or notary had performed his duty.

A few reforms have lately been made in conveyancing in England, but the system still remains as above stated. Within the last few years, the lease for a year to precede the actual conveyance has been dispensed with, but the stamp has been retained. It is no longer necessary to get an assignment of outstanding terms attending the inheritance, and fines and recoveries have been abolished.

V.

All proceedings relating to the sale, mortgage, partition, or other disposition of land, are simple and inexpensive under the American system. A voluntary partition of land owned by two or more in common is effected in Ohio at the expense of 5s. A compulsory partition, costing about £5, is effected as follows :—A petition, on half a sheet of foolscap, is presented to the court of common pleas : three freeholders are appointed to make the division, and the proceedings are recorded. If no division is practicable, the property is appraised. Any one of the parties interested may elect to take the property at the appraised value. If no such election is made, a public sale takes place. The sheriff conducts the sale, and makes the deed to the purchaser ; but, before doing so, reports his proceedings to the court, where any party interested may raise objections, and a new sale may be ordered for good reasons. The proceedings occupy about three months. In this way, the interests of minors, idiots, and lunatics are sufficiently protected, and at the same time prevented from injuriously interfering with the rights of the other owners, and property is not locked up and kept out of the market. Guardians for minors are empowered, by order of the court, to be obtained, on a proper showing, to sell the lands of their wards. Executors and administrators may obtain orders in like manner to sell land for the payment of debts or legacies, which are the first charges upon it.

All these proceedings are simple, brief, and inexpensive. Contrast them with English law and practice. The compulsory partition of land is so expensive in England that it is very seldom resorted to. Where minors are interested, the property is practically unsaleable, and the adult owners must wait till their co-tenants' majority. The lands of minors can seldom be sold for their benefit, and where any judicial proceeding are necessary for that purpose, the costs are ruinous, unless the

property is very large. A chancery suit, to subject lands to the payment of debts, can only be resorted to in certain cases, and then the expenses are overwhelming. It would not be easy to overrate the importance of the advantages possessed by the Americans in these respects. It is their policy to facilitate the transfer of land on all occasions in every possible way, and to simplify the instrument of transfer: the consequence is, that there is a vast body of freeholders.

In England, on the contrary, the legislature has never had such an object in view, but has constantly inclined to the preservation of the present system, as part of a glorious whole, the ultimate result of which is the monopoly of the land by a privileged few. The more we examine this subject the plainer will it appear that the difference in the social condition of the American and English people is chiefly caused by the difference between their laws and political institutions.

A great clamour was raised when, a few years ago, Mr. W. Brougham proposed a registry of deeds; the landowners objected to the publicity, and the lawyers instinctively dreaded the innovation. Mr. Brougham's scheme was quite unlike the American system, and very inferior to it. There should be a registry-office in every important district, so that no one should have far to travel, nor be embarrassed by having to examine a great multiplicity of entries. No general registry for the kingdom should be attempted: it would be worse than useless. The experience of the Americans has settled the whole question, and we should import their system of registry and acknowledgment of deeds, as well as the principal features of their judiciary system, at once. The social consequences of so doing would be felt immediately in England, especially if the stamp duties on conveyances, mortgages, and leases were repealed. The title up to the last recorded deed having been examined in the course of previous transactions, a purchaser or mortgagee would, in ordinary cases, merely look at that record, and would himself prepare a simple and direct conveyance, without the present usual string of recitals and covenants. A printed form would suffice, and there would be no difficulty in the transfer of titles of married women. The expense of an ordinary conveyance would be under ten shillings.

VI.

In America the labourer or mechanic can, with great ease, become the owner of a house and lot, although the price of the property may be as high as in England. He makes the purchase without the intervention of a lawyer, pays down say one-tenth part of the purchase-money, and executes a mortgage for the balance, payable in perhaps from three to eight annual instalments. He may thus become the owner in a few years, by paying a little more annually than he would pay as a tenant

for rent. If he fails to make a payment, according to the terms of the mortgage, the mortgagee may foreclose and sell, but the expenses are insignificant; and in most of the States the mortgagor is protected from sacrifice by judicious regulations, providing for an appraisal, and public sale of the property, after due notice, and forbidding a sale at less than two-thirds of the appraised value.

In England, if the mechanic desires to purchase a dwelling-house, there are various difficulties in his way: the expense of the conveyance and of a mortgage to secure a portion of the purchase-money, may be estimated at £30 or £40, and he cannot transfer his interest to another person without great expense. If a foreclosure is resorted to, the costs will entirely eat up the property. In this state of things it has been impossible for the practice of purchasing small properties on credit to become common; the cost of a few transfers would soon exceed the entire value of a small tenement or lot of land. Whenever, then, a man is willing to encounter the expense of a transfer, and seeks for a small piece of property, he soon discovers that he is asking for a thing which not being in common demand can hardly be found at all. The owner of a row of small cottages never thinks of selling one of them singly; and if the purchase of one of them is sought for, the purchaser must be content to dispense with an examination of the title, and must, in addition to enormous law charges, pay a fancy price, as all people must do who wish to purchase that which is not offered for sale.

The desire to own land is a strong natural desire, which is gratified in America and suppressed in England. If the English mechanic could, like the American, purchase his dwelling-house, he would soon acquire provident habits; the anxiety to own the dwelling occupied by him would lead to economy, care, and industry, and the ownership of land would elevate his character. Political equality, a good system of education, and the introduction of the American system of conveying land, would in the course of a few years effect a complete reform in the character of the English nation. But many other important measures may be added to those just named.

One of the consequences of an inexpensive system of conveying and mortgaging land would be the discontinuance of the grants of building leases for ninety-nine years, or other long terms, not renewable. These leases are now preferred to purchases of the land, because the builder has not sufficient capital to pay the purchase-money, and the beneficial system of purchasing on credit, and giving a mortgage for part of the money, is, owing to the expensiveness of conveyancing, almost unknown.

There are no such leases in America, and yet the price of building-ground in cities and large towns is higher than in England. In Cincinnati, the largest city of Ohio, land in the principal streets is worth from £100 to £200 per foot front, running back 100 feet. In this city

of 100,000 inhabitants, 2,000 houses will be built this year; three-fourths of which will be built by the owners of the lots, principally mechanics. In America, a mortgage is given for the principal part of the purchase-money, to be paid by five or ten yearly instalments. The seller of the land is assured the payment of the purchase-money, because the erection of buildings upon the land sold will greatly enhance the security. So, under a similar system of conveyancing in England, the obnoxious leasehold tenure would be superseded by freehold titles. The builder would purchase the land, and give a mortgage for the whole, or greater part, of the purchase-money, payable with interest, in ten or fifteen years, by instalments. The leasehold tenure is very obnoxious, the covenants in the leases with respect to repairs, insurance, and other matters are rigid, and there is always a liability to forfeit the lease. The creation of long leases with these conditions ought to be prohibited altogether.

The adoption of the American system of land titles and conveyancing would lead to the discontinuance of building societies on their present basis, because those persons desirous of purchasing houses could readily obtain credit from the vendor for the greater part of the purchase-money, securing him by a mortgage, according to the American custom. But the greatest result of all would be the division of great estates, and the establishment of small farms. To effect this consummation so devoutly to be wished, the aristocracy must be prevented from enjoying the spoils of government and monopolising the various offices; the necessities of their families will then force them to sell large tracts of land, and these will be sold in small parcels, if the expense of conveyancing be reduced to a mere nothing. Better prices will be realised by selling in small rather than large parcels, under such circumstances.

These changes can only be effected through parliamentary reform. Until that is obtained, the aristocracy will quarter their sons and relatives on the public, and retain their vast estates entire. The utmost resistance would be offered by any house of commons elected under the present system to the abolition of entails, and to the introduction of a complete registry of deeds, without which there can be no cheap conveyancing. Until such a registry is established, the examination of titles must remain as at present; long recitals of the chain of title, and prolix covenants for title, and for the production of title deeds, will continue to be used.

Some law reformers have suggested that short forms of conveyances should be given by act of parliament. In our opinion, but little practical benefit can be obtained in this way; but, if a proper registry of deeds be introduced, the American form of a conveyance, which is founded upon the English law, will soon be in common use, unless a shorter and better form is given by the legislature.

CHAPTER V.

THE ADMINISTRATION OF JUSTICE IN AMERICA AND ENGLAND
COMPARED.

- I. General character of the Administration of Justice in America—Civil Actions in England—English Law Courts—Appeals in Criminal Cases—Courts of Quarter Sessions—All aristocrats are Judges—Their character and conduct—The English Criminal Code—The Game Laws, how enforced.
- II. Small Debts, how recovered until lately—The New County Courts compared with American Inferior Courts—English and American Chancery Courts compared—English Ecclesiastical Courts—Divorces, how obtained in England and America.
- III. Administration of Justice in Criminal Cases in America—Public Prosecutors—Convictions for Petty Offences in England; Rigour of the Law; Heavy Costs—Treatment of Prisoners in America and England—Effects of the system of administering Justice upon the character of the people—Defects in the American Judiciary Systems.
- IV. Proposed Judiciary System for England.
- V. Codification—Social results of Law Reform—The Offices attached to the English Courts.
- VI. American Law of Debtor and Creditor; Property exempted from Execution—Practical Exemption of Land from Execution in England—Distraints for Rent.

I.

In America the courts are accessible to all, and the costs are inconsiderable. There are, it is true, many defects in the judiciary systems of some of the States, whereby unnecessary delay is occasioned; but in none of the States is there such a deplorably defective system as that of England. We have already explained at some length the judiciary systems of the States and of the Union, and must here refer the reader to that explanation.

In England, in civil cases, where the debt or demand exceeds £20, an action is brought in one of the three courts at Westminster—the queen's bench, common pleas, and exchequer; and that though the cause of action may have arisen, and both parties reside, hundreds of miles off. The expenses are enormous and overwhelming, and people forego their rights rather than resort to their nominal remedy. The writ is issued from one of these courts, all the pleadings are there, but the trial usually takes place in the county where the cause of action arises. The costs of an action for £25, even if tried in the simplest form, without any delay, will be double that amount.

There are five judges of each court, and two of them sit in each county twice or oftener per year; the one to try the criminals committed for

trial at the assizes, the other to try the civil actions. The trials are by jury. Common jurymen are not paid for their services, but when esquires and merchants are called upon to serve as special jurymen, they are paid by the successful party one guinea for each case; this is usually handed to them whilst sitting in the jury-box. In America the jurors are always paid a reasonable sum for their services.

In civil cases an appeal lies from the decision of the judge to one of the courts at Westminster, but no such appeal can be had in the criminal cases, except in certain rare and special misdemeanor cases, sent for trial by the court of queen's bench. In addition to the assizes, there are the courts of quarter sessions held in each county. The judges here are the justices of the peace, and these are the great landowners of the county, *all* of whom, with the principal clergymen, are appointed by the government, and are removable at pleasure. It is customary in Ireland to deprive justices of their commissions when their politics become obnoxious.

This court of quarter sessions tries criminals, assisted by a jury, decides a variety of civil cases arising out of parochial matters, local rates, and the settlements of the poor; it also decides, in most cases without a jury, appeals against convictions by justices for petty offences. A more objectionable judiciary system cannot be found in any part of the world. Because a man is a great landowner forsooth, he is to be made a judge, is to try cases even without a jury, and have power to fine or commit people to the treadmill prison for several months; he is moreover to sit as a judge in the court of quarter sessions, and sentence prisoners to transportation. This power is freely exercised, and thousands of men and women, girls and boys, have been sentenced to transportation by these notable judges, for trivial offences, such as would be punished in America by a few months' imprisonment. Not only are the landowners the local judges throughout the country, but they also form in the house of lords the highest court of appeal in the whole empire. This is the theory of the British constitution; but a practice corresponding entirely with the theory would be too much to be borne: hence the peers usually permit those members who are lawyers to sit as the court of appeal. The rural judges are generally remarkable for the severity of their sentences, as compared with the judges of assize. The latter, however, differ a great deal in their character for clemency, and the fate of a poor wretch depends principally on the discretion of the judge before whom the trial takes place.*

* A remarkable instance of severe sentences in criminal cases, is given by Lord Brougham in his speech in the house of Lords, on May 12, 1848, on law reform. Lolly, a respectable merchant at Liverpool, had been married in England and divorced in Scotland, and believing, according to the advice of the most eminent Scotch lawyers, that his marriage was effectually dissolved, had again married, but in England was indicted for bigamy, and sentenced to seven years' transportation. He was kept for two years in the hulks, in order, Lord Eldon said, to show clearly what was the law.

The English code still retains its precedence amongst the severest in the world, but capital punishment is not very frequent, the ordinary practice being to resort to it only in cases of murder. The law itself ought to stand upon the statute-book in the shape in which it is intended to be carried into effect. The English rural judges fill the gaols with offenders against the game-laws. The trials of these offenders take place without the intervention of a jury, and although the 'squire does not sit in judgment in a case where the trespass has been committed on his own land, he gets his neighbour to perform the friendly act, and reciprocates the obligation when that neighbour requires a similar kind office. Numbers of men are transported for poaching at night: this "grave offence" consists in being upon enclosed land to the number of three or more, armed and in pursuit of game. The trial may be had at the quarter sessions, but there must be a jury.

II.

Until the recent establishment (within the last two or three years) of county courts, for the trial of cases in which the debt or damage claimed is not above £20, the only regular local judicial tribunals were those formed by the justices of the peace, and these could not try civil cases. The old county court, for the trial of small debt cases, had fallen into disuse. In some places, under special acts of parliament, there were courts consisting of a number of traders and others, who were appointed, with power to name their successors. These were called courts of conscience, and were established for the trial of petty cases of debt to the amount sometimes of 40s., sometimes a little more. They examined both parties, and proceeded without the formality of written pleadings. The new county courts also examine the parties, and the proceedings are brief and simple; but considerable expenses are incurred by the suitors for court fees. The judge is a barrister, appointed by the government for life, and there is no appeal from his decisions. He sits in wig and gown, and the trial is by jury, when required by one of the parties. The American courts for the recovery of small debts are of a very different character. The judge is popularly elected, an appeal lies from his decisions, the proceedings are comparatively inexpensive, and no scarecrow costume is assumed, to strike awe into the suitors and witnesses. The judge dares not treat the parties in the English style, but is accustomed to treat them as fellow-citizens and equals.

It is always improper to allow a judge who tries a case in the first instance to be supreme: first impressions are often erroneous, and the judge, possessing absolute power without appeal, soon gets into a dog-matical habit, becomes excessively conceited, and indulges in unseemly vagaries, particularly if the tenure of his office be for life. A free people would not tolerate such a system.

The only chancery courts are in London, and these have exclusive jurisdiction over very many important matters. Practically, the poor man is excluded altogether from these courts; and it is better to forego a claim of £200 or £300 than pursue it there. The costs of a suit often amount to hundreds, and even thousands of pounds: the delay is very great, proverbially so; and the quirks and quibbles are innumerable. The fees paid to officers of the courts at different stages of the proceedings are enormous.

All this is very different in America; although with respect to fees the pernicious practice of making suitors pay for the administration of justice, is generally retained, yet the office-fees are small in amount. In Ohio, and most if not all the other States, there are local chancery courts, or courts for the decision of such cases as now come before the English chancery courts in London; and an appeal lies from these local tribunals in America, to a superior one. The proceedings are comparatively brief and inexpensive, and the pleadings are models of brevity. By the present New York constitution it is provided that the evidence shall be taken in chancery cases in the same manner as in other cases. There is great room for improvement in the mode of trial of cases of every description in all the States as well as in England.

Under a popular form of government, the English chancery system could not possibly continue to exist, nor could the English ecclesiastical courts. These latter courts are very numerous; have a peculiar practice of their own—a mysterious jumble of all sorts of law, civil, canon, and common; and the proceedings are very expensive. The ecclesiastical courts grant probates of wills, and letters of administration of the effects of intestates. They also grant divorces for adultery and ill-usage, but can only separate man and wife in such cases, so as to authorise them to live apart, without dissolving the marriage. An act of parliament is necessary for that purpose, which can be obtained by the rich, but of course not by the poor: indeed the poor cannot obtain a divorce of any kind, the expense being too great. Thus there is practically one law for the rich and another for the poor in these cases, as well as in most others.

Democratic institutions secure equality in the administration of justice, and place the rich and the poor man on a level. In Ohio a decree may be obtained dissolving a marriage, in a proper case, at a very moderate cost, say less than one pound in ordinary cases, exclusive of a fee to the attorney, about two pounds more.

III.

The administration of justice in criminal cases in America is untended with expense to the prosecutor. There is a public officer appointed to conduct the prosecutions, whereas in England a prosecutor

is often put to a great expense in the necessary employment of attorneys and counsel to conduct his case. Formerly, in England, prosecutors were compelled to pay a great many expenses, which they never recovered back; but, within the last few years, a considerable improvement has been effected in this respect, although there are still many cases where prosecutors have to pay the court fees out of their own pockets.

A wretched practice prevails in England in petty cases of trespass, assault, and other minor misdemeanours—viz.: a justice of the peace inflicts a small penalty, and his clerk demands a large sum for costs. Thus, the fine may be a penny, the costs 15s. or upwards. In default of payment, the accused is sent to the house of correction. Tens of thousands of the people are degraded in this way for trifling offences, which, under a democracy, would either pass unnoticed, or be visited with a moderate penalty. The treatment of prisoners is generally more humane in America than in England, although very lately the English have followed the example of prison discipline set by the eastern States. No offender is transported from any one of the States. The general practice is to confine convicted criminals, and give them suitable employment.

The character of a people will be found to depend in no inconsiderable degree upon the character of the laws under which they live, and upon the system of administering justice. When, as in Ireland, for example, the people have no faith in the tribunals, the wild justice of revenge will be resorted to; whilst, in a country where justice is freely, fairly, and wisely administered, the citizen will seek the redress of all his grievances in a lawful way.

IV.

The judiciary systems of some of the States are far from being perfect, and the prison discipline is in many of them very defective. Economy is too much regarded in these matters. It is a common complaint, that the courts are not numerous enough, and that the judges are insufficiently paid. The consequences in some of the States are great delays, inconvenience to suitors, and appointment of inferior men as judges. In the selection of a system of prison discipline, many of the States are too much guided by the rules of economy, and accordingly choose that which is cheapest.

The judiciary system required for England is somewhat like that in operation in New York. The English system originated in feudal times, and is now a piece of patchwork. That of New York, on the contrary, has been formed by an intelligent people, comparatively untrammelled by antiquated institutions, and fully able to establish and administer just such a system as might be deemed advisable. It is most likely, then, that we shall find the judiciary systems of New York and other States similarly situated, superior to that of the old country.

The following courts should be established in England, in lieu of all those now in existence, after democratic institutions have been established, and the people accustomed to exercise the rights of freemen:— The country to be divided into townships and other larger districts, to be called judicial districts. The people of each township to elect a township judge every two years. His jurisdiction to extend to £20 debt cases and other minor matters, such as are disposed of now by the justices of the peace, whom this township judge should supersede. The people of each judicial district to elect, every five years or oftener, three judges; one to try criminals, another such cases as are now tried in courts of chancery and ecclesiastical courts, and the third ordinary actions. Three courts of corresponding jurisdiction, to decide appeals from the decisions of these district courts, and to sit at the capital. The judges to be elected every five years or oftener, by the judges of the district courts, or by the people, in a similar manner to that prescribed by the present constitution of New York. There should be an appeal from the township-judge to the district courts on points of law, and from the latter courts also to the supreme courts at the capital, which should sit only as courts of appeal, without any original jurisdiction.

All fees should be abolished; and any person should be allowed to practice as an attorney or counsellor. The district chancery court should take the bankruptcy and insolvent cases, in addition to the jurisdiction now exercised by the ecclesiastical courts, and should have full jurisdiction in all matters relating to executors, administrators, and guardians, and their accounts. Divorces should be granted by this court in all proper cases. This plan is simple and practicable, and we have little doubt that something similar will be speedily adopted by a democratic parliament in England.

V.

The laws should be *codified*. The absurd laws of pleading, practice, and evidence, should be swept away, and a rational system substituted. In this respect we should follow the example of New York. The points decided by the courts of appeal should be briefly reported in the daily papers, under the sanction of the judges. In Ohio a reporter is appointed for this purpose, and paid by the State, in order that the people may be immediately made acquainted with all important decisions.

When the laws are made brief and simple in England, and the administration of justice is confided to judges elected by the people; when justice is placed within the reach of all classes, an immense change will take place in the national character. Instead of being afraid of, and disgusted with the name of law, the people will pride themselves on being acquainted with the leading principles of jurisprudence, and will never submit to fraud and oppression. A vast number of questions will

arise for discussion; but the suitors will not be ruined by taking the opinion of the courts. There will be an immense increase of business for advocates, but little will remain for special pleaders, equity draughtsmen, and conveyancers. Plain and rational law will ruin them, although it will encourage the people to resort constantly to the tribunals. The judges under the reformed system will receive less than a fourth of their present salaries; and as to the officers of the various courts, who receive enormous emoluments for doing little or nothing, they will be dismissed, and no compensation will be given to them. Some of these men now receive salaries two or three times higher than that of the chief justice of the supreme court of the United States, and the suitors are heavily taxed to pay these salaries.

VI.

An entire reform of the law of debtor and creditor must accompany the introduction of a new judiciary system. We must follow the example set us by the Americans, and abolish imprisonment for debt, except in cases of fraud, abolish distrains for rent, and executions upon household furniture and common necessities. Cheap justice must not be made a nuisance as it is now too often in the new English county courts, where the poor debtor is almost harassed to death. His bed may be taken to satisfy the judgment of the court; and if that be not sufficient, he is liable to be arrested and thrown into prison. This is irrational and inhuman. In Ohio and most of the other States, all the necessary articles of furniture, clothing, &c. of the debtor, are exempted from execution. His widow and children too are protected to a considerable extent from harsh creditors. A certain allowance is made for their support. The result of this system is that the landed property of the debtor is the principal thing liable to execution, and this is the very property which in England is practically exempted altogether.

Sales of land on execution are very rare in England. One reason is the want of a registry of land-titles, without which the sheriff cannot sell the landed property of the debtor, for it cannot be ascertained how the title stands. The landed aristocracy are, of course, opposed to a registry of deeds.

With respect to distrains for rent, it is absurd to give the landlord the power of judge, jury, and sheriff, all which powers he now exercises, when he levies a distress for the amount of rent which he claims to be due, without advancing any legal proof of the justice of that claim. On that distress he may take even the necessary wearing apparel of his debtor, and in addition to this may seize and sell all the property found upon the premises (with a few exceptions), to whomsoever it may belong. This barbarous right of the landlord class has long been abolished in New York and other States where it formerly existed, but it still flourishes in

England in all its pristine rigour. In England, the landlord may of his own mere authority strip his tenant and debtor of his household furniture and the necessary clothing of himself, his wife, and family; whilst the landlord's property, the land, cannot be reached to satisfy his creditor, who has sued, and duly obtained judgment. Wherever we look, we find the fruits of class government and legislation.

The remedy of the judgment creditor against the freehold land of his debtor is merely nominal; but the judgment lien is sometimes available to the creditor, when the debtor is desirous of selling his lands; and it is also available in case of bankruptcy, or where an application is made for a discharge from prison, under the act for the relief of insolvent debtors. The indebted landowner, not engaged in trade, has only to go abroad, and he can then successfully evade or postpone the payment of his debts. He can usually prevent his creditor from getting judgment; and even when that is obtained, the right to take the lands in execution is, in consequence of the secrecy of land titles, practically worthless.

CHAPTER VI.

THE ADMINISTRATION OF JUSTICE IN AMERICA AND ENGLAND
COMPARED—(*continued.*)

- I. Salaries of English and American Judges compared—The Officers of the American and English Courts compared.
- II. The Exclusive Privileges of Attorneys, Conveyancers, and Barristers—The late Constitution of New York on this subject—English and American Lawyers compared.
- III. The English Chancery.
- IV. How the due performance of the Duties of Executors, Trustees, &c., is secured in America—Law of Lunacy.
- V. The Boasting of English Writers on the Administration of Justice—Political Addresses of the Judges.
- VI. Administration of Justice in Ireland.
- VII. Law Reforms proposed by Lord Brougham—Their Insufficiency.

I,

In order to keep up what is falsely called the dignity of the judges in England, they are paid enormous salaries, besides being entitled to retiring pensions. The chief justice of the court of queen's bench receives £8,000 per year, the chief justice of the supreme court of the United States £1,200. A county court judge in England has £1,000 per year, double the salary of a judge of the supreme court of New York. The latter performs five times as much work as the former, and requires and possesses five times as much legal knowledge. The American judge often gets too little for his services, but all the English judges have too much. It is argued that very high salaries must be given in England to secure the services of the most talented men. There is no force in that remark; the true object in giving extravagant salaries being to enable the judges to take caste with, and assume the splendour of the aristocracy. Under a proper judiciary system, the emoluments of lawyers would be moderate, and £1,000 per year would be a sufficient salary for the highest legal functionary in England. There would be no retiring pensions, for the judges would be elected to serve for terms of a few years only.

The contrast between the English and American law offices is very great. A clerk with a salary of £200 or £300 per year, with half a dozen assistants at about £100 per year each, suffice, in New York or Cincinnati, to transact more actual business than is transacted by either of the courts at Westminster, with its horde of highly paid officials. The various masters of the common-law courts have incomes varying from £1,200

to upwards of £1,300. Ten registrars in chancery receive sums varying from £1,350 to £3,000 and upwards. Some of the commissioners of bankruptcy get £2,000 each. It has been stated, in the house of commons, that from three to four hundred persons were employed to collect fees in the courts of equity, and that between £300,000 and £400,000 was paid in salaries to the officers of the court of chancery alone; that one individual in that court held a sinecure office of £7,700 per year; another one of £5,496 a year; and that there were numerous others, varying from that sum to £2,000 a year. When an office is abolished, the party holding it is compensated for its loss by an annuity for life; and it is the practice to grant retiring pensions.

II.

It seems to have been the design of the framers of the present constitution of the State of New York, to permit a suitor to select any person in whom he might place confidence, to conduct his case. But the practice is still retained of examining candidates for admission to the bar, although there is now no prescribed period of study. It may be very well to provide that no one shall, in the absence of a special contract, recover for services rendered as a legal adviser, unless he has obtained a diploma; but there is no good reason why the suitor should be subjected to the alternative of either conducting and pleading his own case, or employing any particular class of men to do it for him.

With more plain and simple laws, and a proper judiciary in England, every person ought to have the right to conduct legal proceedings in and out of court. The practical effect of the system would be this: the bulk of the business in each judicial district would soon get into the hands of men far more talented than the present race of practitioners, but far less extravagant in their charges. As to the ignorant brawler, he would not find many opportunities for displaying himself. The really incapable would retire at once, whereas under the present system, having once obtained admission into the profession, and acquired a certain privilege, they do not like to devote themselves to any other pursuit. In New York and many other States, medical practitioners do not absolutely require a license to authorise them to practice. No practical inconvenience is found to result from this, but, on the contrary, great public advantage, as persons of small pecuniary means are able to obtain medical advice and assistance at a moderate rate. In New York, and most if not all of the States, any person may draw up deeds and other instruments, and charge for so doing.

The English attorneys are in the habit of leaving almost everything to counsel, and consequently do not trouble themselves much with the study of law. Special pleadings are drawn by counsel devoted to that particular business; any question of law out of the ordinary course is sub-

mitted for the opinion of counsel. Wills and conveyances, which are not of the most simple kind, are drawn by conveyancing counsel. Bills, answers, and pleadings in chancery, are drawn by equity counsel. This system vastly increases the expense of legal proceedings.

The American lawyer, on the other hand, conducts all kinds of cases at common law, in chancery, and in criminal courts; he prepares the pleadings, and performs the part of advocate. In addition to the English precedents and authorities, he has to examine the decisions of the courts of the thirty Republics, as well as those of the Union. Very accomplished lawyers are to be found at the bar and on the bench. The names of Kent and Story have been immortalized by their commentaries. The distinction between attorney and counsel does not generally prevail in America, although it is common for some men of superior ability to be entrusted with the argument of the most important cases, which are prepared for trial by other members of the profession.

In England the counsel divide the labour minutely. One prepares common-law pleadings, another equity pleadings, a third attends to conveyancing, a fourth conducts common-law cases in court, a fifth is engaged in the chancery courts, a sixth in the criminal courts. Very few members of the bar have practice enough to become good lawyers. Some of them act as chairmen or presiding judges at the courts of quarter sessions, and as recorders or judges in borough courts; and practice as advocates. The county court judges also practice as barristers when they can find time to do so; this is a vicious practice. The fact is, that an entirely new and comprehensive judiciary system is imperatively demanded, for whichever way we turn we see nothing but glaring defects and anomalies.

III.

The Court of Chancery.—One cannot help being astonished at the existence in this, the nineteenth century, of the English chancery system, with all its anomalies and deformities. No man is safe from its clutches, and to be clutched is almost certain ruin to the man of moderate means. The most careful man cannot always avoid being dragged into a chancery suit, and thereby overwhelmed with anxiety and costs. For a contempt, as it is called, of this court, a man may be imprisoned for an indefinite period. It is actually treated as a contempt for a man to marry a minor suitor in this court, without the consent of the chancellor.

Lord Brougham, in his recent remarks upon chancery reform, complains chiefly of the proceedings in the masters' offices. Most especially he dwells upon "the indiscriminating reference of matters for enquiry, and the mischiefs that thence result to suitors by delay so endless, that the clerks of some masters being lately examined, have not hesitated to declare that it is wholly in the power of a solicitor, whose interest might

be in delaying the proceedings, to protract it without any limit of time whatever." He complains that matters which the court ought to dispose of at once, are referred to the master, and that when the business gets into his hands, instead of disposing of it at once, it is thus dealt with:—"In chancery the parties come before the master for an hour one week, and then for another hour the week after, when half or the whole of last day's proceedings have been forgotten, and thus the inquiry and the expense never ends." As to the mode of taking the evidence in chancery, Lord Brougham remarks that it is as bad as possible. "Nothing can well be conceived more preposterous. The examiner is a mere mechanical agent, and his office, though richly paid, could be performed by steam. He has only the power of reading the interrogatories, and minuting the answers. These interrogatories are prepared by a draftsman, who never sees the witness, and frames every question without the possibility of knowing how any of the former ones was answered. Thus, the first question being,—'Did you ever see the party?' and the answer 'Never'; the second may be 'What did he tell you when last you saw him?' So cross-questions are put in utter ignorance of answers to the examination in chief, or even of the questions in chief."

As to the cases of partnership accounts, which, in a suit to dissolve, must always be taken, and, of course, in the master's office, Lord Brougham, in his speech before referred to, quoted the statement of a solicitor in large practice, that, after making a very extensive inquiry, he could find no one case of litigated partnership accounts ever coming out of the master's office at all.

IV.

Trustees, executors, administrators, and guardians, all of whom are easily and promptly brought to account in the American courts, must, in England, be sued in chancery; and the parties interested will submit to almost any loss and inconvenience rather than resort to this remedy. All proceedings of executors, &c., are, in America, under the vigilant superintendence of the courts; their proceedings have to be reported from time to time, and the sanction of the court obtained, in the presence of the parties interested. The expenses are merely nominal.

In America, when a man dies indebted, leaving landed property, it is easily subjected to the payment of his debts, upon a summary application to the court. In England, the remedy is a chancery suit, the very mention of which fills an Englishman with horror.

In Ohio, and we believe the law is the same in the other States, before a man is confined as a lunatic, a jury is impanelled to try the state of his mind. In England, a person alleged to be of unsound mind may be arrested and treated as a lunatic, upon the certificate of two medical men that he is of unsound mind. This would not have been the law, if

proper local tribunals had existed ; but the want of these causes the most frightful injustice in a hundred different ways and shapes, a further detail of which would be inconsistent with the nature and object of the present work.

V.

There is nothing which most writers upon the English constitution so much bepraise as the administration of justice in this country. The wisdom, independence, and integrity of the judges, and the glories of trial by jury, are their favourite themes. And yet there is no reform more wanted than law reform. The laws are in great part couched in barbarous, unintelligible language, and are obscure and complicated ; the proceedings in the courts are full of ridiculous fictions and antiquated absurdities ; justice is so dear as to be out of the reach of any but the comparatively rich ; its administration is surrounded with technicalities, like so many traps and pitfalls ; and the law's delay is a common proverb. Most of the courts, with their justices of the peace or landlord judges, are entirely objectionable. But the judges of the supreme courts are generally men distinguished for their legal ability. Not so with the other judges, for they owe their appointments chiefly to aristocratic influence, and the people, of course, have no voice whatever in the matter.

With respect to the juries, especially in the country, we have but little to say in favour of their intelligence ; the class to which they belong is more remarkable for servility than mental capacity. This is the consequence of the aristocratic institutions under which it has been their misfortune to be brought up. It is not the custom for the wealthy gentry to serve on "common juries ;" but an aristocratic plaintiff or defendant can, if he choose, insist upon having his case tried by a jury of esquires. The labourer enjoys but little protection from trial by jury, for his case, instead of being tried by his peers, is tried by a middle-class jury of employers, and a court appointed by the crown.

Many of the common-law judges of the superior courts at Westminster conduct themselves in a way that would not be tolerated in the United States ; for, in the latter country, no judge is permitted to propagate his political opinions from the bench in the shape of charges. A short time since, Lord Denman (and he is one of the most liberal-minded men on the bench), in addressing a grand jury, delivered several criticisms upon the consequences of the last French revolution, and the measures of the provisional government. This was by no means extraordinary ; for it is quite a common thing for judges in charging grand juries to deliver opinions on certain political questions. The practice is a bad one, and ought to be entirely discontinued, although those opinions may never be offensive to either of the two great political parties—the whigs and conservatives.

VI.

The administration of justice in Ireland is of a remarkable character. The judges and justices of the peace are nearly all protestants, and on many trials it has been customary to exclude the catholics, and all persons entertaining obnoxious political opinions. On the late trial of Mr. Meagher, for sedition, the catholics and repealers generally were excluded from the jury; but one got in by mistake, and he alone was for an acquittal. The power of the government, both in England and Ireland, over the juries is very great, not only as regards the selection of the list, but also in the right of challenging.

On the trial of Mr. Mitchell, for "imagining" the establishment of a republic, &c., no *catholic* was allowed to sit on the jury. The jurors' book from which the jury was taken contained 4,570 names, of which 2,965 were catholics, and 1,635 protestants. The sheriff selected a panel of 150, in which there were but twenty-eight catholics. The attorney-general challenged thirty-nine, including every Roman catholic who answered to his name, to the number of eighteen. Mr. Keogh asserted, in the house of commons, on the 21st July, 1848, that ten out of these eighteen catholics did not belong to any political society. So that, in a catholic country, no catholic was allowed to be on the jury!

The same thing occurred in Mr. Martin's case; and he, like Mr. Mitchell, was sentenced to be transported. In the case of Mr. Mitchell, the newspapers treated the only question as being whether he was actually guilty of the offence imputed to him. It is sufficient to say that, according to this view of the matter, a complete defence of lynch law, and of the proceedings of the revolutionary tribunals of France, would be furnished, by simply showing that the victims of all such sham trials were really guilty.

It was admitted by Lord John Russell, that the attorney-general had given instructions to strike off all jurors suspected of entertaining political opinions according with those of the prisoner Mitchell—*i. e.* all repealers; and Sir James Graham, ex-secretary of state, declared that, in O'Connell's case, the government had given instructions to strike from the jury list all who were in favour of a repeal of the act of parliament by which the union with Ireland had been effected.

On this principle, if an English whig or radical reformer be tried for sedition, none but tories must be the jurors.

The judges are nominees of the government; the sheriffs are appointed by the judges and the government.

The government acknowledged in the house of commons that it had given instructions to the prosecuting counsel to strike from the jury all persons supposed to be in favour of a repeal of the union between England and Ireland. This admission establishes two facts, *viz.*—that the

government interferes directly with the administration of justice ; and that it is deemed perfectly right to strike a jury excluding political opponents. No such interference would be tolerated in America ; but here it does not seem to be treated as at all objectionable ! The interference of government with the administration of justice is further shown by what took place in the month of June, 1848, in the examination of persons charged with being engaged in certain political riots in London. The government instructed the police magistrates not to summarily convict parties charged with assaulting the police, but to commit them for trial. These police magistrates were bound to obey the instructions on penalty of being dismissed from office—being mere officers of the government, removable at pleasure. The newspapers of July 29th, 1848, state that the magistracy before whom the persons charged with an attempt to rescue Mr. Doheny, on his recent arrest at Cashel, not having been unanimous in their appreciation of the evidence, the case was submitted to the law officers of the crown. So much do these things appear to be matters of course, that even the so-called radical newspapers make no comments upon them.

VII.

The law reforms proposed by Lord Brougham and other English law reformers, are insignificant in comparison with the evils to be attacked and removed. The speech of Lord Brougham (the president of the society for the amendment of the law,) in the house of lords on May 12, 1848, on legislation and the law, informs us to what extent the law-reformers are willing to go. Lord Brougham, in the speech referred to, expresses his desire to extend the electoral franchise, and to expel insolvents from the house of commons. His plan for the prevention of bribery at elections, is to require each member on taking his seat to declare that he has not been guilty of bribery. Election petitions he would have tried by courts of law. To prevent clumsy legislation he would have a board formed of skilful professional men, with a minister of justice for its head, to aid both houses of parliament in the preparation of public bills. Private bills he would leave to the decision of a committee of twelve—seven commoners and five lords—to examine the bills, hear counsel, and take evidence, under the presidency of a judge unconnected with parliament. He would leave divorces, and various other matters now the subject of private bills, to a legal tribunal. He does not desire any amelioration of the criminal law ; that law, he says, has been made as mild, generally speaking, as can be desired. (In some of the United States capital punishment has been entirely abolished.) He complains that the punishment of fine is too often awarded by the acts continually passed to repress offences.

With respect to the law of evidence, he is in favour of the examina-

tion of the litigant parties themselves, in all cases of law as well as in equity. He would amend the law of libel, by allowing the truth to be given in evidence, in any prosecution for libel upon the government or its officers in their public capacity. This would be following the example set by the constitution of the United States. He complains of the conflict between the laws of England, Ireland, and Scotland, on the subject of marriage, divorce, and legitimacy. The laws regarding bankruptcy and insolvency he desires to have digested into one code or system.

Referring to the law of real property, he complains that landed property is confined to few hands; but he does not propose any efficient means of increasing the number of owners. In order to prevent uncertainty about land titles, he proposes that the possessor of an estate should have power to call upon all adverse claimants to come forward and prosecute their claims, or be for ever barred. There is American precedent for this proposition. He is also in favour of limiting the period for the commencement of actions to recover landed property; but it appears to us that there is no occasion whatever for this alteration. He would apply the same rules of construction to wills and deeds. He complains of the excessive length of deeds, and proposes to pass acts for the purpose of abbreviating the form of those instruments, and regulating the charge for preparing them, according to the value of the property affected. He desires to establish a general registry of deeds, but no one is to examine a title without the permission of the owner of the property. This would make the registry comparatively useless. Connected with the registry, he would have a detailed map. He also proposes the establishment of a public office, in which any person may deposit his will for safe custody; and also the establishment of a government office, in which land titles may be insured. The latter proposition is impracticable. Places for the deposit of wills are common in the United States.

He also proposes a digest of the law, civil and criminal; and he laid before the house a bill enacting a criminal code, a code defining all crimes, with their punishments; and he also proposed to follow it with a second, enacting a code of criminal procedure. The new code of the State of New York might be usefully studied for these purposes. Indeed, we would recommend to the society for the amendment of the law in England a careful examination of the whole system of administering justice in the United States, from which they seem to have taken only miscellaneous hints, instead of adopting its general spirit.

With respect to the administration of the law, Lord Brougham's propositions are, that the justices of the peace should be divested of only some portions of their jurisdiction, such as offences against the game laws (which laws, it appears, he would retain); that paid professional chairmen should be appointed to preside at the sessions; that these chairmen

should assist in preparing the cases for the assizes; that the lord chancellor should be appointed for life, and be the minister of justice, a new functionary; the want of which, says Lord Brougham, meets us at every step, whether we regard the amendment of the law, or its due administration.

With respect to chancery cases, Lord Brougham proposes a reform in the system of referring matters to the masters, and in the proceedings in the masters' offices, also in the mode of taking testimony. He complains of the excessive expense and delay of appeals to the house of lords, and admits that a *denial of all justice* by the courts below exists in cases of small amount.

After this exposition of the evil, he merely proposes that the new local courts should have jurisdiction over all cases where both parties consent! He also proposes the appointment of public prosecutors, but recommends that the grand jury shall not be dispensed with. These proposed reforms would leave untouched all the principal evils of the present system of administering justice. Lord Brougham would retain the landowners as local judges, would merely alter a few of the details of the proceedings in chancery, and would leave cases involving debts or demands over £20 to the decision of the courts at Westminster, at a ruinous expense to the suitors, unless the defendant will consent to aid the plaintiff in obtaining a judgment. The simple truth is, that an entirely new judiciary system is required, and not a mere tampering with the question of law reform, such as proposed by Lord Brougham and the society of which he is the president.

A fair specimen of the calibre of the present race of English law-reformers is afforded by the exhibition of senatorial wisdom in the house of lords, on the 13th July, 1848, when a bill was submitted by Lord Campbell, in which provision was made for appeals from decisions in criminal cases. On that occasion Lord Denman contended that there ought not to be any appeal from the decisions of the landed aristocracy, the justices of the peace sitting in quarter sessions, on points of law in criminal cases; but that such appeal should be allowed from the decision of either of the fifteen superior judges sitting at the assizes. The reasons given for this absurd proposition were that the appellate courts would be overwhelmed with business, and that the justices of the peace conducted themselves in the most admirable manner, so that no appeal could be required. And the assertion of one of the judges was quoted, that in twenty years' experience he had never known an improper conviction in a criminal case. This same judge, however, must have known a great many improper verdicts rendered in civil cases, and why so? Because the propriety of such verdicts had been tested by appeals to the court, and an examination into their merits. The only reason why the injustice of verdicts in criminal cases is so infrequently discovered is

this, they are final, no examination can be made of the question whether they are right or wrong. But considering the facts, that the accused has generally no means of procuring the attendance of witnesses on his behalf, that he can seldom avail himself of adequate legal assistance in the preparation of his defence before the trial; that the trial itself is a hurried, heated, scrambling affair, the judge a mere country squire, and the jury an ignorant set of rustic dependents, the certainty is that there are more blunders committed, and more unjust verdicts rendered, in criminal than in civil cases. In the latter cases, the evidence is carefully sifted beforehand; skilful attorneys are employed, and these consult with counsel on all difficult matters; the preparation for the trial is comparatively careful; the trial itself takes place before a competent judge, in the presence of a vigilant bar; and yet, notwithstanding all this, it is frequently discovered that injustice has been done, wherefore a new trial is ordered, and a totally different verdict is rendered.

The vaunted Ajax of law reform, Lord Brougham, actually opposed himself to the bill for allowing appeals from the courts of the landed aristocracy, the courts of quarter sessions, and treated the proposition as absurd. His law reforms would leave the existing judiciary system as it now stands, and that system is entirely incompatible with anything like a due administration of justice. y

CHAPTER VII.

THE SYSTEMS OF LOCAL AND GENERAL TAXATION IN AMERICA
AND ENGLAND COMPARED.

- I. How the Revenue for the Union is raised—The different Systems of Taxation in the various States—The State Debts—The Canals, &c., belonging to the States—Remarks on English Railways being Private Property in perpetuity—Taxes in American and English Cities compared—American Taxes for Education.
- II. Effect of Taxes on Real Property—The English Tithe—commutation Rent-charge, Land Tax, and Parochial Rates—their effects.
- III. Proposed System of Taxation for England—Objections to an Income Tax—The Character of the present System of Taxation in England.

* I.

The money required to defray the expenses of the federal government is raised by duties on foreign articles imported into the United States, and by sales of the public lands. These duties are moderate, and none are now levied for the purpose of favouring or protecting any particular branch of native industry, but the raising of the necessary revenue is the only object in view. There are no excise duties, assessed taxes, stamp duties, nor any direct taxes, in any shape whatever, levied for the purposes of the Union; but congress is empowered by the constitution to levy excise and direct taxes whenever it may be deemed expedient to resort to such sources of revenue. Many years ago, congress enacted an excise law imposing a duty on domestic spirits; but the law soon became very unpopular, and was repealed. The power of the excise officers was complained of—they were necessarily authorised to enter and search suspected places.

In the various States, the respective governments are supported by different systems of taxation; but the principal tax is the one upon landed property, which is valued for the purpose by the State officers elected by the people.

The expenses of the State governments are very small, but in some of the States expensive, and, for the present, unprofitable public works have been made with borrowed capital, the interest of which has now to be raised principally by taxation. Most of the public works, which are chiefly canals made by the State governments, yield a considerable income; so that the debts of the States must be set off against the property created with the capital borrowed. The debt of Ohio, for example, is about four millions sterling, but the canals are worth as much as that

sum ; so that Ohio has something to show for her debt, whereas the old kingdoms of Europe possess no equivalent for their enormous liabilities incurred by squandering the people's money in wicked and foolish wars. Many of the public works in America will not only pay the interest on the capital borrowed to erect them, but will yield a handsome profit, which will go towards the reduction of the general taxes of the State.

In England, the great highways of the country—the railroads—should not have been allowed to become private property in perpetuity ; the powers of parliament should not have been exercised in favour of a few individuals to that extent. The right of parliament to purchase the railroads at a certain price, calculated on the profits, is not enough. It would have been sufficient to give the railroad companies the control of these great thoroughfares for a limited time only, at the expiration of which they should have been required to surrender them up to the nation. France has adopted this plan, but the United States have neglected to do so. If the British parliament had made judicious arrangements with the railway companies, there would have been a large fund for the reduction of the national debt.

The local taxes in American cities are in general not so heavy as in English cities, but the expenses of paving, cleansing, draining, lighting, and watching, are considerable. On the other hand, but little is expended for the relief of the poor, the support of criminals, and law expenses. But all State and municipal officers are paid for their services at a moderate rate. In England the poor-rate is large, and very heavy expenses are often incurred in procuring special enactments for the government and improvement of corporate towns. But the mayor, aldermen, and town-council act gratuitously.

In America there is no tax for the support of any church, but there is in nearly all the free States a tax for the purpose of education. In America it is usual for the landlord to pay all the taxes. The rent of houses in the large towns of America is usually as high or higher than in English towns of the same size.

II.

There is good reason to contend that a heavy tax upon real estate to raise funds for the purpose of securing the health and comfort of the inhabitants of a city, is productive of unmixed good. The purchaser of landed property within the city looks only at the net rental to be obtained from a tenant, and the purchase-money is regulated accordingly. In the estimate of the value the taxes are taken into account, and he has no right afterwards to complain of their existence, but he participates in the benefits obtained by the public expenditure for the public good. To find the party really affected by the tax, we must go back to the first seller after the tax was imposed. We do not regard the charges

upon real estate in England as any burthen upon either the landlord or occupier. Take the tithe-commutation rent-charge for example. The purchaser of the land subject to this charge, has paid less for the property on that account; in point of fact, he purchased a partial interest in the land, the state being the owner of the remaining interest. He has no right to complain of this charge, although he may rightly complain of the appropriation which the state makes of its share. The occupier has no right to complain of the tithe rent-charge, for if he instead of the landlord pays it to the tithe-owner, whether layman or clergyman, the rent, as everybody knows, is just so much the less. Both landlord and tenant, however, had good grounds of complaint against the old system of taking tithe in kind, for that was productive of many annoyances, and disturbed the course of agriculture. The remarks applied to the tithe rent-charge, apply just as well to the land-tax and parochial rates, and property-tax, after the latter shall have assumed a permanent character.

When lands or houses have been purchased or rented after the imposition of a regular annual tax upon property of that description, neither the purchaser nor the occupier bears the burthen of that tax, for the bargain, with respect to the purchase-money in the one case, and the rent in the other, has been made with full reference to the tax, whether payable by landlord or tenant. Supposing, then, the tax to be assessed upon the net estimated rental or value to let, it is quite unobjectionable.

The effect of a *new* tax upon real property is simply to appropriate absolutely a portion of the entire value of the property to state purposes; but even this may be compensated for, either wholly or in part, by a corresponding reduction in other taxes which press heavily upon the industry of the country. The owner of real property, although his share in the remission of indirect taxes may be small, may yet be a gainer by the change from indirect to direct taxation, because the value of his property depends upon the general prosperity of the country, which may be greatly enhanced by the adoption of correct principles in the mode of raising the public revenue. Taxes on real estate, which fluctuate in amount as the parochial rates, are apt to be regarded as burthens on the shoulders of the occupier; but that is an error. The farmer, for instance, calculates the rates before he agrees on the rent, and in such calculation he makes allowance for the fluctuations. So does the yearly tenant of a house; and if the rates should be greatly increased a new bargain with the landlord sets the matter right: the additional burthen is thrown upon the owners who purchased or acquired the property subject to the contingency of a new or additional tax being imposed upon it. If he, or his predecessor, purchased under the supposition that the rent would always remain the same, unaffected by taxation, he committed a mistake, and must suffer the consequence of his ignorance.

III.

All the present taxes, except those on intoxicating drinks and tobacco, the consumption of which it is not desirable to increase, should be substituted by a tax on real estate and the funds. There should be no income-tax, nor any tax on personal property. The amount to be obtained from a tax upon income depends upon the statements of the parties to be charged; and these, having a direct interest to misrepresent the matter, do not fail to do so. There is a premium upon lying, fraud, and perjury, and the morals of the nation are undermined. This premium is for the benefit only of the dishonest man—the good citizen suffers in exact proportion to his probity. No one can believe that the income tax of 7d. in the pound on the incomes of traders, professional men, and others, of £150 per year and upwards, not derived from realised property, yields one quarter as much as it ought to do. It is universally conceded that fraud is the rule, an honest return the exception; and yet the church does not raise its voice against this abominable system!

A short time since (March 27, 1848), the chancellor of the exchequer told the house of commons that he was astonished at the results of the income-tax—at the wholesale fraud that must have been perpetrated. He treated the statements made by the people sought to be charged with the income-tax as perfectly ridiculous. And yet he persists in demanding a tax to be collected according to such statements from the parties to be charged with it. Nothing can be less statesmanlike. Besides, a tax upon the tradesman's profits falls upon the public, both rich and poor, whereas the realised property of the country ought to bear nearly, if not quite, all the burthens. If the taxes on intoxicating drinks and tobacco are retained, they will be paid chiefly by the working classes, who will thus contribute at least their full proportion to the public revenue.

The great advantages of a tax upon realised property, as compared with any other system of raising a revenue, are these—it can be collected at a very small expense; and, *after the first sale of the property* has been effected, there is no class or individual whom it oppresses, annoys, or injures. The tax ceases to be felt in a single generation.

The ignorance and blundering of the British legislature on the subject of taxation is truly astonishing. Thus, a tax upon windows has been imposed, the effect of which has been to disfigure the houses, and limit the supply of light; whereas the same amount might have been raised from a tax upon the estimated annual value of the house, without any injury whatever. Ignorance and selfishness combined have wrought the most wondrous results, in the shape of English taxation. The great object has been to exempt realised property from contributing anything, on account of the national debt; and, with the exception of the recently-

imposed income-tax, and a few stamp duties, comparatively trivial in amount, *there is no tax upon real estate beyond what existed before the national debt was incurred.* The increase of population has greatly enhanced the value of the property of the landed aristocracy, and they have availed themselves of their legislative power to throw the burthen of the national debt upon the poorer classes, the landless portion of the community.

In this policy there has been no attempt at concealment. Thus, upon examining almost every class of duties, it will be found that a less percentage is charged when the rich are to be affected than when the mass are to be called on to contribute to the revenue. For this purpose, elaborate tables of stamp duties are prepared, instead of a simple rule being adopted, that an *ad-valorem* tax shall be a per centage one. The example thus set of making a distinction between rich and poor will, in all probability, be followed by a democratic legislature, with this difference, the per centage will be higher upon the rich man's property, according to the amount of his receipts, instead of being lower than that paid by the property of men of moderate income.

CHAPTER VIII.

THE SYSTEMS OF LOCAL AND GENERAL TAXATION IN AMERICA
AND ENGLAND COMPARED—(*continued*).

- I. Taxes upon Real Estate in America—Local Taxes—Rigid Economy, and its Evil Consequences—Probable Future Remedy of the Evil—Taxation for the Relief of the Poor in England and America compared—The Effects of Poor Laws.
- II. State Taxes upon Personal Property—Licenses, &c., in America—General Comparison of the English and American Systems of Taxation—Evil Effects of the present Taxes in England.

I.

The tax upon real estate in America is not usually levied upon a careful estimate of the net annual value; but the entire value of the property is taken, irrespective of its present profit. The consequence is, that unimproved land is often forfeited for non-payment of taxes; but this is treated by many persons as a wholesome thing, because it is a stimulus to improvement. Still, it would seem that some difference should be made between productive and unproductive property.

In some of the towns, a portion of the revenue, for local purposes, is raised by market tolls; and, to increase the amount of these tolls, stringent laws are enacted, to prevent the sale of certain articles out of the market. This is an awkward mode of taxing food, and the inhabitants are put to the inconvenience of going a great distance to purchase their meat, fruit, fish, and vegetables, which they would otherwise procure from shops in their own immediate neighbourhood. The owners of real estate favour this system, because they suppose that it relieves them from a little taxation, the amount obtained from the tolls being so much money applicable towards the city expenses, which would otherwise be raised from their property.

The owners of real estate have hitherto succeeded in most parts of America in preventing a proper system of relieving the poor from being established. Out-door relief is inadequate, and it is very difficult in most places to obtain relief of any kind. Poor-houses are established in the large cities; and in most of the States laws are made for the relief of the poor. Rigid economy is practised on all occasions, whether the question be the relief of the poor, the drainage, paving, watching, cleansing, or lighting, of the town or city; and yet universal suffrage prevails. The great majority of the voters in the large towns are not

owners of real estate, and all the taxes are usually paid by the landlord, and not by the occupier. This affords a practical refutation of the theorists, who assume that under universal suffrage the representatives of the people will be heedlessly extravagant. The reverse is the case in America : niggard economy prevails. There is hardly a city properly drained, paved, watched, lighted, or cleansed ; hardly one with good public grounds ; and the roads are almost everywhere bad, because there is a disinclination to be taxed to make them good. Above all, the poor, who are in many places numerous, are not sufficiently provided for. The true interests of the people are sacrificed to the false spirit of economy, and this proves that even in a pure democracy, where the suffrage is universal, the elections annual, and the representatives paid for their services, the men of property exercise an undue influence, although they be a small minority. They control party organs, cliques, and caucuses.

Great improvements are required in most American towns to secure the health and comfort of the people ; and there is particularly a want of public grounds. It is to be hoped that the mass of people in towns will, before long, emancipate themselves from the thralldom of the land and house owners, by insisting on large sums being raised for these purposes, and also for the liberal relief and assistance of all the indigent, of whom there are in most places considerable numbers of the female sex.

When the people learn the actual operation of a tax upon real estate and discover that the occupier does not permanently bear the burthen, a great reform will be effected in American cities : public parks will be purchased, sanitary measures will be adopted, and no individual will be permitted to suffer from want. The only way to keep up the rate of wages is to prevent the indigent from pressing it down, by creating an excessive competition. This can be approached by making a liberal public provision for those who cannot get employment at fair wages, taking care that their labour, when employed by the public, shall not injuriously affect the market. For this purpose agricultural employment should be preferred. This great question is not unattended by difficulties, but they must be grappled with, there is no alternative ; the evils and dangers of the present system by far exceed any that could result from the proposed remedy.

In England the law assumes to provide employment for those who cannot obtain it by their own exertions ; and the landed property of the country has for centuries been made liable to the support of the poor. The rate-payers in each parish or district elect officers, who raise as much money as they may deem necessary, by taxation of real estate, for the relief of the poor ; and relief cannot be refused to any poor person who demands it, and is willing to enter the poor-house. In this respect England is greatly in advance of most of the States. Many poor persons, however, prefer wandering and begging to the confinement of

a poor-house : this should not be permitted to continue : the system of out-door relief should be extended ; the workhouses should be made more comfortable ; employment should be furnished on public farms and gardens ; and then vagrancy should not be tolerated. About three out of four of the persons receiving relief in England are allowed money from their parishes, without being required to enter the poor-house ; but there is not sufficient liberality in this respect, out-door relief is often denied where it ought to be granted, and the amount of the allowance is often too small.

The English poor laws have been the principal cause of the superior condition of the English people, as compared with those of Scotland and Ireland. The old law of Scotland, affirming the right of the poor to relief, was almost a dead letter in most parts of the country. If Ireland had enjoyed the benefit of a poor law fifty or a hundred years ago, the state of society there would have become very different to what it is now. Where the rich are compelled to keep the poor in a suitable and becoming manner, the former become interested in the welfare of the latter, and zealously seek to employ them profitably. In addition to this, the standard of comfort is kept up in the body of the nation ; beggary is to a great extent, if not wholly, suppressed ; extreme poverty and destitution are prevented ; and the dignity of human nature is in a material degree sustained. All this has a tendency to hinder a downward course, and aid an upward one ; to increase the demand for comfort and luxuries, and thus add to employment, and keep up the price of labour. Ireland and Scotland have lately obtained poor laws, and we have no doubt that both countries will derive considerable benefit from their administration.

There is a school of political economists opposed to poor laws, but it is losing strength daily. The doctrines of this party were, some time ago, quite fashionable in the United States.

II.

As already observed, the revenue necessary for State purposes in America is raised chiefly by a land tax. But there is usually a tax upon personal property ; upon agricultural stock ; horses, carriages, pianos, gold and silver watches, and household furniture exceeding a certain amount in value. In some of the States, a rough estimate is made of the value of a man's stock in trade, and he is called upon to pay a tax founded upon that estimate.

The small landowners, being very numerous, control the State legislatures, and generally strive to put taxes upon personal property, without regard to the principles of political economy ; not caring much whether the tax is inquisitorial, or will operate equally or unequally, so that it be productive.

In Ohio, there is a small tax upon lawyers and doctors, which varies

according to the presumed extent of their practice. In Cincinnati, and other cities, a considerable portion of the city revenue is derived from licenses granted to bill and money brokers, tavern-keepers, and others. There are no excise duties, no taxes on articles imported into or exported from the States. In England, the local taxes are all laid upon real estate, and are based upon an estimate of the net annual value of the property. In this particular, England is in advance of most of the States. The attempt in England to rate personal property for the relief of the poor, which was required by the law of Elizabeth, has entirely failed, and the law is a dead letter.

The national revenue of England, on the contrary, is raised chiefly by means of excise, customs, and stamp duties, and assessed taxes. The latter do not directly affect the working classes, being imposed upon the windows of houses above the ordinary size, upon carriages, horses, dogs, &c. The windows of farm-houses, shops, and factories are exempted, and so are horses used in husbandry or trade. The taxes upon commodities limit consumption and obstruct trade; and the stamp duties hinder sales and other dealings with land, besides producing many other evils.

A democratic legislature in England would, in all probability, repeal all the existing taxes, except those on intoxicating spirits and tobacco, the land tax and testamentary duties, and impose a tax on realised property to make up the deficiency. By the probate and testamentary duties, the personal property of decedents is made to contribute according to its value and the relationship of the party succeeding to it. *Real estate* is exempted from any such tax.

In England there are no taxes upon domestic bread, meat, butter, cheese, and vegetables. Most of the taxes upon articles of domestic manufacture have been repealed, or greatly reduced, since the peace; but there are still taxes on all intoxicating drinks, paper, soap, candles, glass, bricks, tiles, and slates. A portion of the general revenue is still derived from licenses granted to innkeepers, auctioneers, lawyers, and others, from stamps on newspapers, policies of insurance, bills of exchange, receipts, agreements, mortgages, leases, and conveyances of land. These are all very injurious in their results; the stamps on newspapers have hitherto prevented the establishment of newspapers for the million, and greatly abridged the general intelligence of the people. The stamps on policies of insurance restrict and hinder provident habits; the law requiring stamps on receipts and agreements enables many people to take advantage of the honest and confiding, it not being the practice to use those stamps. The stamps upon conveyances greatly increase the cost of transferring real property; and by preventing land from being freely bought and sold, conduce to the monopoly of the landed property of the country by a few individuals.

It will be observed from what has already been said, that taxation is not so onerous in America as in England. We may add that it is not likely that the United States will ever incur such a debt as that of England. No popular government could do so. The English aristocratic government was reckless of expense in its endeavours to put down liberty in America and France, but it was resolved not to increase the burthens on landed property ; and nearly every member of the aristocracy partook, directly or indirectly, of the advantages flowing from the immense national expenditure, and the creation of innumerable offices. Such a state of things is absolutely impossible in a democracy, where the legislature and government are responsible to the whole body of the people, and not merely to a small and favoured class.

CHAPTER IX.

THE SOCIAL INFLUENCE OF DEMOCRACY IN AMERICA.

- I. Political Equality—Respect paid to Electors—Success of talented Men—Familiar intercourse—*Equality* at the President's Levee, in the Common Schools, in Churches, and in Travelling—*Education* provided by the State—Colleges—The Newspaper Press—Ignorance and Indifference in England to great public events—*Liberty*: Freedom of Discussion, and of Political Association—Its Effects upon National Character.
- II. *The Diffusion of Wealth*—Law of Descent, and absence of Entails—Absence of a favoured class monopolising Public Places of Honour and Profit—Impossibility of there being an Aristocracy in America—American Farmers working on their own Land—Condition of the Agricultural Population of the United States.

I.

Political equality prevails in the United States; almost every man is a voter, and may be a candidate for any office in the gift of the people. Those persons who desire office in any township, city, or county, in the State or federal governments, are obliged truly to respect the humblest elector. We often see an apparent respect paid in England to the people during a canvass; but the English member of parliament, being elected for seven years, soon forgets his dependence on the electors.

In America, every man of talent can raise himself into notice, and aspire to the highest offices. There being no monarchy, no men of title, no established church, all men are placed on a footing of equality, and in their daily intercourse with each other no superiority is tolerated. The general, the judge, and the labourer accost each other in terms of familiarity, and shake hands when they meet in the streets and public places.

The president's levee is attended by working men and their wives, as well as by the families of the wealthy planters and merchants, and the members of the various professions.

At the public common schools, where education is supplied gratis, the children of the master tradesmen and shopkeepers associate with those of the mechanics and labourers.

In the churches all the seats are alike. In travelling, all classes take their meals at the same table, and yet in private life people, of course, are careful in the selection of their acquaintance, from which fact it has been inferred by many English travellers that an aristocratic spirit prevails in America, especially amongst the wealthy merchants.

The State provides a good education for its citizens, and such youth as desire a superior course of instruction can easily obtain it, there being numerous colleges, where all classes are freely admitted, and where the expenses are trivial. The State having no desire to hinder the diffusion of knowledge, there is no restriction imposed upon the newspaper press, and every town has its cheap newspaper, without advertisement-duty, stamp-tax, or censorship. The policy of the government, the conduct of its officers, and the management of public affairs, are constantly criticised, without fear of prosecutions for libels or sedition. Indeed prosecutions for political offences are unknown; they could not be legally sustained, and they would be repugnant to the spirit of the people. The people are thoroughly made acquainted with all the important news of the world; and being trained to self-government, and the discussion of political affairs, they feel the deepest interest in whatever concerns the progress of the human race. Hence, the late continental revolutions—the fall of monarchy in France—the rise of democracy there and in Germany and Italy, excited the greatest enthusiasm in America—the great cities were illuminated, and the inhabitants of the remotest villages shouted with joy. The electric telegraph extends over the Union from Maine to Louisiana, communicating instantaneous intelligence to the important towns and villages; so that the news of these great European events was made known throughout a circuit of many thousands of miles with the speed of lightning itself. How was this news received in England? We saw more people collected together in London to learn the result of the races at Chester than we saw at any time assembled to ascertain the results of the conflicts in Paris, Vienna, or Berlin! And, as to the English country people, it is not too much to say that a majority are to this day ignorant of these mighty struggles and triumphs!

The Americans of the free States enjoy perfect freedom of discussion; they can meet when and how they please; they may form such associations as they like, and the government is not afraid of their being armed. But these are rights which really cannot be allowed in this country, being entirely incompatible with the preservation of the existing political system.

The American feels all the pride and dignity of a freeman, whilst the Englishman feels and knows, when he thinks at all, that he is kept in leading-strings, lest he should become mischievous. The aristocratic theory is, that the great mass of the people are unfit for self-government.

II.

Democratic laws have for their object the *diffusion* of wealth. Hence, the law that the property of intestates shall be *divided* amongst all the children, or next of kin, after making provision for the widow and the payment of debts. Hence, no entails are permitted. Hence, it is a

primary object to facilitate the transfer of land titles from hand to hand with very little expense.

When we look at these laws, and reflect upon the fact, that all public offices are held by persons elected, directly or indirectly, by the whole mass of the people, so that there is no favoured class enabled to quarter any members of its families upon the public, we discover at once the reasons of the great truth, that there is no aristocracy in America. It is simply impossible to have such a class. There was, in colonial times, an aristocracy; but it has, like the old established church of Virginia, disappeared under the influence of democratic laws and institutions.

We find men acquiring great wealth in different parts of the country; but, after their decease, that wealth becomes divided, and it is a common remark, verified by constant experience, that the children of the rich become poor, and the children of the poor become rich.

The American farmer is generally a labourer on his own farm, with no other assistance than that of his family, and a little occasional help from his neighbours, which has to be repaid in a similar manner. His life is one of ease and independence, not luxury. The English farmer who goes to America for the purpose of purchasing a farm, and employing labourers on it, usually makes a great mistake, and becomes disgusted. He is undertaking an unusual thing, besides which he has in the sale of his produce to compete in the market with men who pay nothing for labour. Moreover, there is a tendency to overstock the market with agricultural produce, for farming being a pleasant occupation, the tradesman and artisan retire from the bustle and turmoil of city life, and purchase little farms. The condition of the American farmer often appears far from enviable, especially when he settles in the forest, at a distance from towns. But if his dwelling be rude, the dress of himself and family poor, and their food coarse, they have no fear for the future: all is hope: the log cabin will be superseded by a frame house, and that in its turn by a better one; the farm will rise in value; by degrees comforts, and even luxuries, will be introduced; and above all there is no dependence on the smile of a master, no chance of wanting food, shelter, or raiment. The great drawbacks in unsettled districts are the prevalence of sickness and the absence of neighbours. British emigrants should not attempt to settle in any but the populous parts of the country, and they should avoid the slave States. ✓

CHAPTER X.

THE SOCIAL INFLUENCE OF DEMOCRACY IN AMERICA—

(continued.)

- I. Why the abundance of land is not the cause of American prosperity—Condition of Russia, of Lower Canada, and of the people of England, in the olden times—The state of Society in the British Colonies—Public spirit, energy, and enterprise, created by Democracy—*Fraternity*: The desire to secure the good opinion of, and to be useful to, the Public.
- II. Superior Morality of the Women of America the consequence of Democratic Institutions—Respect paid to Women.
- III. Temperance—Beneficial effects of the absence of an Established Church—Question as to the advantages to be derived from the Endowment of all Religious Sects.
- IV. Competition in Trades and Professions—Absence of a class independent of business—How Democratic Institutions secure Employment for the People better than Aristocratic.

I.

The general prosperity of the people of the United States is to be attributed entirely to their democratic institutions, and not to the abundance of land. Russia has an abundance of land, so has Lower Canada, and yet, in consequence of the want of democratic institutions, the people of those countries are poor and ignorant. Such, likewise, has always been the condition of the people of England, even when they only numbered two or three millions. The country was overrun with beggars in the reign of Elizabeth, and it became necessary to compel the rich to keep the poor. No one will say that this country was too thickly populated at that period.

Reference has been made by some writers to the condition of the people in the British North American colonies, to prove that the prevalence of general equality in the condition of the people of the United States, is to be attributed solely to the abundance of land. In New Brunswick, Upper Canada, and some of the other British American provinces, the state of society is more or less democratic; there is no division into castes, but there is just such a division in Lower Canada, where aristocratic and feudal laws are still in existence, and where we consequently see an ignorant and impoverished population. In the other provinces, there has never been a titled or otherwise privileged aristocracy, and consequently no foundation could be laid for great families on the one hand, and general misery on the other. The same may be said of the settlements in Australia. But the inhabitants of the British

American provinces have suffered severely from the want of local self-government, and complete democratic institutions. Lord Durham's report admits their inferiority to their republican neighbours, and attributes the difference to the defective institutions under which the Canadians have languished. Democracy has recently triumphed in all the British North American provinces, and a great improvement in the condition of the people is already visible.

It is plain that the character and condition of a people depend upon the government and laws. Hence, we find the ill-governed people of Ireland and Poland in the lowest possible state of degradation and misery.

In countries where the people do not govern themselves, complaints are made that they have no public spirit—no energy—no enterprise. Now, the Americans are filled with energy; honours and rewards await all men of talent; thousands are stimulated to win the prize; and, as it is to be won by earning the favour of the people, the mightiest efforts are made to elevate and intellectualise the great mass.

De Tocqueville says, that in no country in the world do the citizens make such exertions for the common weal. He eloquently describes the vast importance of self-government, and its tendency to create fraternity and patriotism. "Whenever the people," says he, "are governed by a class, the citizen will cower before the pettiest officer, but will brave the law with the spirit of a conquered foe, as soon as its superior force is removed. His oscillations between servitude and license are perpetual. The Americans have thought it would be well to infuse political life into each portion of the territory, in order to multiply to an infinite extent opportunities of acting in concert for all the members of the community, and to make them constantly feel their mutual dependence on each other. The plan was a wise one. Local freedom leads a great number of citizens to value the affection of their neighbours, perpetually brings them together, and forces them to help each other, in spite of the propensities which sever them." He adds, "that the rich keep on easy terms with the poor, and speak to them every day. Every person's imagination is on the stretch to invent means of increasing the wealth, and satisfying the wants, of the public. Free institutions impress upon the mind that it is the duty, as well as the interest, of men to make themselves useful to their fellow-creatures."

II.

Not only is the diffusion of wealth the evident consequence of democracy, but it is equally apparent that the superior morality of the people is to be traced to the same cause. The women of America are far more chaste than those of England, taking the whole mass of the people of both countries into the account. In America, there being no established

differences of rank, no hereditary aristocracy, there is no class of men that can insult poor women with impunity. The wife and daughter of the free and independent American citizen, in any station, occupies a very different position in society to that of the wife and daughter of the English tradesman or mechanic. An English girl, in the lower ranks of life, so far from being treated with respect, is almost invariably, when possessed of extraordinary personal attractions, subjected to the solicitations of men in a superior position. Beauty is often regarded as a curse, instead of a blessing. In America, with the exception of a few of the large cities, no public prostitutes are to be seen; and even there the number is comparatively small, and their conduct orderly. In America, a young woman may travel alone from one end of the Union to the other without ever receiving the slightest insult. She will be treated with respect and kindness wherever she goes; and it is quite a common thing for ladies to travel thousands of miles unattended. Women of all ranks occupy the best seats in all the public places in America, and no man will occupy a seat while a woman is left standing.

The superior morality of the women is no doubt to be attributed in part to the general prosperity of the country, the general absence of poverty, and the prevalence of early marriages. But this prosperity itself we have seen is the consequence of the diffusion of wealth and intelligence, and the creation of energy and enterprise, insured by democratic institutions. The deference paid to women of all ranks is owing to the existence of political and social equality. If there were a titled aristocracy and a privileged class in America, but little respect would be shown to females in the lower ranks of life. They would be seduced by the glitter of titles, wealth, and power; a bad example would be set by the most prominent men in the country; this example would be generally followed, and the morals of the people would be sapped and undermined.

III.

The temperate habits of the great majority of the people of the free States, may fairly be attributed to their superior intelligence. It was comparatively an easy matter to persuade such people to abstain altogether from intoxicating drinks, for the sake of setting what is held to be a good example. They are a reasoning people, and susceptible to the influence of oratory in a high degree. An intellectual people likewise, finding amusement in literary and scientific pursuits, are less likely to seek for excitement by drink—the gross enjoyment of the vulgar and illiterate. In some of the States the sale of intoxicating drinks by retail is not permitted.

The absence of an established church has influenced in a great degree the character of the people. They are tolerant, and the ministers of

religion, having nothing but the good will of their flocks to depend upon, exert themselves to the utmost in the cause of religion, charity, and humanity. It was originally intended by congress to provide a fund for the support or assistance of all religious sects in the new western States, and portions of the public lands were granted for that purpose, as well as for secular instruction ; but every religious sect has now to support itself. American churches in large towns are usually fitted up better than the English, and the music and singing are decidedly superior. There is no want of religious instruction, even in most of the thinly-populated districts ; they are visited by missionaries ; and where there is a small cluster of houses one may see the humble place of worship.

It may be questionable whether good results would not flow from the endowment of all religious sects, according to the number of communicants. The most popular sects would then be able to support their churches without levying any tax upon the congregation ; and great numbers who now keep away from places of worship on account of being unable to contribute, and unwilling to acknowledge their poverty, would enjoy the benefits of regular religious instruction. Great efforts would also then be made to increase the number of communicants from the poorer classes, in order to swell the amount of endowment.

IV.

It will be observed, that in America, there being no aristocracy with troops of servants, and no large army and navy, nearly the whole of the people are engaged in professions, manufactures, trades, and agriculture. The small farmer in the west is often in this position ; he purchases but little of anything ; he raises his own food, and his family make the principal part of their clothing at home. In this state of things, there is of course a great superfluity in the labour market ; there are more professional men, traders, and mechanics than there is a demand for. Unhappily, those who have acquired fortunes do not make settlements on their families, but continue to pursue their business or profession.

In England, there is a great number of persons living on small incomes, perfectly independent of any gainful pursuit. There is nothing in democracy to prevent the existence of such a class, and we have little doubt that in course of time it will spring up in America. In Philadelphia, there are already many such persons. The class is small in the slave States. The great planters, however, are free from the effects of retail dealing. There is reason to believe that a practice will before long prevail in America, amongst those who can afford to do so, to insure their lives, and make other provisions for securing a certain income for the permanent support of their families. Settlements, by wills and on marriages, will become common, and then there will be a class of persons living on fixed incomes, without being engaged in any trade or profession.

One of the principal obstacles in the way has hitherto been the disinclination to invest money at a low rate of interest, there being so many apparently excellent chances for speculation. And it must be remembered that the man who purchases a piece of land, and improves it, is providing for the support of his family in the most effectual manner. This is the practice of the agricultural and labouring classes, but the rich merchants and manufacturers seldom make adequate provision for their families; they generally go on in business, until misfortunes happen, and their fortunes are lost.

But here behold the great advantage of democratic institutions. Not only does democracy secure in an eminent degree public and private spirit, but it provides far better means of employing the people than can be found under an aristocracy. Under the latter system, we find great numbers of the people engaged as servants and soldiers, which is attended with this advantage, the various industrial occupations are relieved from the competition of those persons. But, on the other hand, under a democracy, we have the land divided into small farms, and vast numbers of people engage themselves in agricultural pursuits who would otherwise be thronging the workshops, factories, and shops in towns. When the land is so divided, it maintains a much larger number in comfort and independence than we should find, under the contrary system, engaged as mere labourers and servants. Moreover, the use of luxuries and articles of refinement is more common in America than in England, and it follows that more employment is afforded to the manufacturers of such things. A common opinion in England is, that if the aristocracy ceased to exist, there would be no demand for the higher branches of art. As well might it be supposed that the circulation of daily newspapers would fall off. The fact is, that what has taken place with respect to literature will take place with respect to everything, either of usefulness or ornament, amusement or instruction, under a system of government which elevates the great mass.

CHAPTER XI.

THE SOCIAL INFLUENCE OF DEMOCRACY IN AMERICA—
(continued.)

- I. Mr. M'Culloch's argument on the Division of Land in France.
- II. France compared with Great Britain and Ireland—The future in France.
- III. The Division of Land in Ireland—Causes of Irish distress, and the Remedy—How the English Government met the late crisis.
- IV. The pretended over-population of England and Ireland—Efficacy of Democracy in securing a Division of the Land—The beneficial effects of such Division—How Minute Division will be prevented—The Population Question.
- V. Supposed advantages derived by Society from an Hereditary Aristocracy—Evils produced by that class—Usefulness of a Middle Class unconnected with business.

I.

It will be contended that the land should not be minutely divided, and that evil instead of good would be the result of the destruction of the present system of land tenures in England. Lord Brougham in his speech on law reform in the house of lords, on the 12th May, 1848, makes the following remarks:—"It was reckoned by Dr. Beke in 1801, that there were not more than 200,000 owners of land in England, and 8000 only in Ireland—1 in 75 of the people in one country, and 1 in 1000 in the other. In France there are above 11,000,000, or 1 in 3, and above 5,000,000 paying under 4s. land-tax, or possessing on an average 10s. a year land revenue. Of course I feel no envy of a state of things just as prejudicial to the agricultural and commercial as to the political welfare of that great country. Yet some middle point all must allow to be desirable, and no one can believe that the working of any system is good which confines landed property to so few hands."

Lord Brougham has here confounded the number of proprietors with the number of distinct properties assessed to the *contribution foncière*. The number of proprietors is estimated by Mr. M'Culloch at from five to five and a half millions, and that we have no doubt is an exaggeration. There are no means at hand of ascertaining what number of persons own the greater portion of the land of these islands, but we should not hesitate to say that the number cannot exceed 5000.

Mr. M'Culloch in his late treatise on the succession to property vacant by death, says (p. 94) that "the official returns published by order of government supply authentic information in regard to the sub-division of property in France, and its growing extent. In 1815, for example, the land-tax, or *contribution foncière*, was assessed upon 10,083,751 dis-

tinct properties; whereas in 1835 it was assessed upon 10,893,538, and in 1842 upon 11,511,841 such properties; being an increase in the course of twenty-seven years, ending with 1842, of no fewer than 1,428,090 properties great and small! That is, we believe, of more than double the number of all the separate properties now to be found in Great Britain." After making allowance for the increase of such properties, by buildings, division of commons, &c., Mr. M'Culloch says—"On the whole it may, we believe, be concluded on unassailable grounds, that of the 1,428,090 new properties erected in France since 1815, fully 1,200,000, and certainly more than 1,000,000, have been formed by the subdivision of lands occupied for agricultural purposes."—P. 95. These distinct properties are not, however, each held by a different proprietor; but still the number of proprietors is estimated at five to five and a half millions, of whom not fewer than four to four and a half millions are proprietors of land. "In no other country is there such a vast body of proprietors; and, except in Ireland, where agriculture is the only employment, there is none where so large a portion is dependent on the soil." The results of this sub-division in agriculture are stated to be as follows:—"The average produce per acre of the crops of wheat in England and Wales, in good years, has been carefully estimated at thirty-two bushels an acre, and it is certainly not under thirty. But in France the produce of wheat, even in the richest and best cultivated departments, is little more, according to the official returns and the best private authorities, than twenty bushels an acre; and at an average of the entire kingdom it hardly amounts in a good year to fourteen bushels. The result is completely decisive. It shows that *one* acre in England yields, from its being better farmed, considerably more than *two* acres in France; and if we take barley or oats, turnips, beef, or wool, for a standard, the difference in our favour would be seen to be still greater."—P. 117.

Mr. M'Culloch adds, that, in the seven years ending with 1835, as compared with the seven years ending with 1824, it appears, from official returns, that the increase of wheat was but fifteen per cent., while that of potatoes was fifty-seven per cent.; and it is said that the disproportion since is still greater.—P. 122.

The above facts and reasoning are insufficient to show that a subdivision of the land, so far as it has yet proceeded in France, causes a diminution of the produce. The comparison with England is an unfair one; it should have been with Germany or Russia, or some other country where, as in England, the ownership of the land is in few hands. It would then have been seen that the lands of Russia and Germany, although not subdivided, yield no more than the lands of France, and we should be compelled to seek elsewhere for the causes of the inferior agriculture of France as compared with that of England.

When France is covered with good roads, railroads, and canals, she will make great advances in agriculture. And, even if the fact could be established that, under the small farm system, the average yield of wheat per acre is less than under the aristocratic system, that fact would not be one from which large conclusions could be fairly drawn. On a small farm, the proprietor brings into cultivation lands which would be left untouched by the great proprietors; and, although the produce per acre may be considerably below the average of lands cultivated by the latter, the total produce of the whole country is much larger, and society is a gainer, in that respect, as well as in many others to which we have already adverted.

II.

The question is, what would be the effect of a division of the ownership of land in England—the substitution of small farms owned by labouring cultivators in lieu of the large farms owned by one class, rented by a second, and cultivated by a third? This is one of the great practical questions of the day, and it remains untouched by the argument of Mr. M'Culloch. Such a division is inevitable; it will be the almost immediate consequence of democracy, as we shall have occasion to demonstrate in another place; and it is certain that no earthly power can prevent the triumph of that form of government.

Admit that the people of France are not very well conditioned, notwithstanding the division of the landed property there, it does not follow that they would be as well or better off under the English system. Far from it, the condition of the French people is on the whole very superior to that of the people of the British Islands. The agricultural population of France is not, like that of England, dependent on the smiles and caprice of masters, nor dependent on the workhouse for support in old age. The French are more independent, more intellectual, more cheerful, more moral, and, in a word, happier than the peasantry and manufacturing population of England, to say nothing of that of Scotland and Ireland. The Frenchman's amusements are not prohibited by law, and he enjoys far more personal dignity than the Englishman. There is more crime in England than in France, more unemployed labourers, more poverty, more prostitutes.

There is not in France such an enormous manufacturing class as in England, dependent upon every convulsion of distant markets. What is to become of this class when England loses, as she must lose, her manufacturing preeminence? England enjoys a vast colonial dominion, and an immense commerce, which France has not; and yet the social system of France presents less pauperism, crime, intemperance, and immorality, than that of the British Islands. The system of land tenures in France, although it may not have sufficed to prevent a great deal of

distress, has nevertheless kept the French people in a better condition than the British and Irish, notwithstanding the immense advantages enjoyed by the latter in commerce and manufactures, and in the possession of vast territories, admirably adapted to them as emigrants. The French have had no outlet; even the United States have been almost practically closed to them, in consequence of the prevalence of the English language there. When France provides, as she soon will, for the liberal support of the poor, and the employment of all who cannot otherwise obtain work; when the children are well educated at the expense of the state; then, with political equality, and government by the real representatives of the people, the present character of the French nation will undergo a perceptible change for the better, morally and intellectually. They will be inspired with energy and enterprise; improvements will be made in agriculture, good roads will be constructed, and railroads and other public works established.

III.

It will be contended that in Ireland the land is minutely divided, and that such division is the cause of the wretched condition of the people. The answer is, that the cultivators of the soil in that country are without intelligence, and also without any sufficient inducement to make extensive improvements upon land which is not their own, and the rent of which would be immediately raised if any ability to pay an increased rent could be discovered. In Ireland we behold a conquered race, treated with barbarous rigour, debarred from the rights of freemen for centuries, and only lately partially enfranchised. Formerly the Irish catholics were not allowed to hold land, either in fee-simple or in leaseholds. In 1773 an attempt was made to pass a bill through the Irish protestant parliament to allow catholics to hold forty square perches of land, to be situated not in rural, but in town districts, but even this bill was rejected. The Irish catholics have also been kept in a state of ignorance, and hostility to the law. Under these circumstances, the foreign owner of the land finds it disagreeable to reside in Ireland amongst an outraged people, he keeps away from his estates, and his agent racks the tenants. The poor have been left without any right to public support, and suffered to want in the midst of plenty. The nation has been governed by a people alien in blood, language, and religion, and the two races have for centuries been on the verge of civil war, or in actual conflict. Under these circumstances, of course agriculture and manufactures have been comparatively neglected; the rich and privileged race has not attempted to introduce manufactures, nor to make good roads, canals, or railroads. Indeed, considering the hostility between the rich protestants and the poor catholics, the introduction of manufactures has been almost impossible; no friendly relations could be created between them; no confi-

dence inspired. The courts of law, with their protestant judges of English extraction, have been regarded with hatred, and violations of the laws of the oppressor looked upon as justifiable, and even meritorious.

The priests of the two great religious denominations have mutually fanned the flame of discord. The Irish have been filled with undying hatred towards the heretic parson, who, with a military force, has carried off the tenth sheaf of corn, the tenth pig, and the tenth part of all the other produce of the farm. On the other hand, the state priest, supported by foreign bayonets, denounces the catholics as idolators! Who is there unable to perceive in these facts sufficient reasons for the impoverished condition of Ireland, and the distress of its people?

It is common to attribute the evils of Ireland to over-population. Now, it is established that Ireland is fully capable of sustaining a much larger population than it contains at present. It has been estimated by Mr. Sharman Crawford, that one-fifth part of the arable land would, if properly cultivated, yield enough corn for the sustenance of the people, leaving all the rest of the country for other purposes. In this estimate no allowance appears to be made for the quantity of food that can be taken from the surrounding seas swarming with fish.

The following paragraph has lately gone the round of the newspapers:—

“SIR ROBERT KANE ON IRELAND.—The population of Ireland has been determined by the census of 1841 to be 8,175,124 souls, of whom four millions are males, and of these, two millions and a quarter may be considered as of the labouring age. Now, as we have in Ireland thirteen million and a half acres of arable land, there is precisely the allocation, to every 100 acres, of 17 labouring men; but as of the Irish population but two-thirds are actually engaged in agriculture, it may be considered that to every 100 statute acres of land there are 11 labourers dependent for employment; and on those again are dependent for support, females, old men, and children, to the number of 29; and these persons must be supported by the land out of its produce before profits can be reckoned, or the value and proportion of rent can be struck—in all 40 persons, of whom 20 are females, 9 are feeble old men and children, and 11 are working men. Thus, for the whole country—

Agricultural females	2,709,286
Old men and boys	1,219,178
Agricultural labourers	1,490,107
	<hr/>
	5,418,571

Now, if we refer to the circumstances under which the working of land upon the large farm system is conducted, we shall find that on a farm of 500 acres there will be permanently engaged the farmer, his steward, or foreman, and 20 workmen. There will be at certain seasons extra field work done by men, women, and children. Now let us suppose the thirteen and a half millions of acres of arable land in Ireland arranged and cultivated on this plan, there will be employed 22 persons to each 500 acres; but we have seen, that upon 500 acres there are dependent 55 working males. Employment cannot therefore be afforded to one-half, indeed but two-fifths, and there will remain:—

Females	1,725,671
Old men and male children	731,508
Labourers	194,063
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	3,351,242

for whom the land can afford no employment; who cannot by their labour earn in any way their share of the produce of the land; and the question, truly important for the landlord who has to seek for rent, as well as for the farmer, who has to pay rent, is the manner in which these three and one-third millions of useless and surplus people are to be removed, or in some way provided for."

This reasoning assumes that there is a surplus population, without any reference to the question whether the country does now produce, or can be made to produce, sufficient food for its inhabitants. The number of acres of land *now cultivated* is paraded; and it is coolly assumed that, after setting off the country in large farms of 500 acres, each employing a small number of labourers, all the rest of the present agricultural population is useless and surplus. According to the same process of reasoning, three-fourths of the agricultural population of the United States might be set down as useless and surplus. If the large farm system were introduced into that country, and hired labourers employed upon such farms, in the manner suggested in the above paragraph for Ireland, full three-fourths of the agricultural population could be dispensed with; sufficient agricultural produce could be raised without them; and, in lieu of an independent race of freehold farmers, America would have a mass of poor labourers, with a few masters, bailiffs, and overseers. *Want of employment* must not be confounded with over-population. It often happens, even in Canada and the United States, that great numbers of labourers are in want of employment; but who will say that those countries are too thickly populated? There is a deficiency of employment everywhere; but no country is over-populated when it can raise an abundance of food for its inhabitants. Ireland is in that position, and therefore is not over-populated, but it is miserably misgoverned.

The writer of the above paragraph takes the present quantity of arable land as the basis of his calculations, without regard to the inquiry, how much more land might be brought into cultivation. He then assumes that this small quantity of land should be cultivated by mere labourers, and not by freeholders; and, lastly, that nearly three and a half millions of people, who could not, under this preposterous system, obtain employment, are utterly useless. Let the same reasoning be applied to any other country—to France, Germany, or Canada, for example—and the result must be precisely the same.

The fact is, that Sir R. Kane is in favour of the small farm system. In an article published by him, in the "Journal of the Agricultural Society of Ireland," entitled "The large or small Farm Question considered," he contends that small farms, of from ten to fourteen acres, will produce more, acre for acre, and pay a higher rent, than the large farm.

There is no over-population, but there is a vicious distribution of wealth, a bad system of society. This, however, will hardly be admitted

by the higher classes in Ireland, with whom, therefore, the surplus population theory will remain popular. The remedy, too, appears to them quite obvious—to wit, the expatriation of the surplus.

Suppose they could by that means reduce the population to one-half its present number, there would then be remaining as many as existed thirty-five or forty years ago. The question then arises, What was the condition of the people at that period; was it better than it is now? It was not; and therefore it is to be inferred that the evil is not over-population, but something else.

We do not look upon emigration as any remedy for the evils of Ireland, although it may be made a useful adjunct to other and more important measures. The true remedy for Irish grievances is to be found in democracy. That will break up the great landed estates, and create a mass of freeholders. Let the people be free, and enjoy the benefit of a local legislature; let the protestant church establishment be abolished; let education be provided for all, and a good poor law enacted and administered; let railroads, canals, and harbours be made, and the subject of colonisation properly attended to. These and many other important measures will be the result of democracy, and the Irish people will become free, intelligent, and prosperous.

Before leaving the subject of Ireland, it is desirable to add a word or two about the distress of the last two years, and the grants of money made by parliament for its relief. It is clear that there was plenty of food in Ireland; for, although much food was sent to Ireland, three times the quantity was sent from that country to England. The boasted assistance rendered by England was ridiculous in its character; food was sent to a country where it existed in abundance, instead of proper means being taken to prevent its exportation thence, and secure its distribution. Free importation of food from foreign countries into England and Ireland was prohibited for a considerable time after the cry of famine had been raised; and Ireland was permitted to send away its food at a time when it was pretended that there was scarcely anything for the people to eat. Such a state of things could not possibly occur with a local legislature, elected on democratic principles.

IV.

A cry has recently been revived that England is over-populated, and a great desire is evinced by many influential persons, to get rid of a large number of the people by means of emigration, especially as it is expected that the troublesome spirits—the supporters of democracy—would be amongst the first to go across the Atlantic, if any assistance were rendered them for the purpose. It is true that many industrious people in England are unable to get regular employment, but it by no means follows that there is a redundancy of population. No country is

over-populated if it can raise enough food for the ordinary consumption of its people; and England as well as Ireland could, under a proper system of land tenures, raise four times as much food as the present population requires.

There can be no doubt about the complete efficacy of democratic laws in effecting the desired object—the division of the ownership of land, and the utter prevention of an hereditary aristocracy; the only question is, whether it is better to have landless labourers than independent freeholders. The division of the land in England will be accomplished by the present owners and their descendants, who will sell out in small parcels. The effect of this will be to relieve manufacturers and traders from overwhelming competition. Land that will not pay for cultivation under the present system, will then be cultivated; spade husbandry will be more extensively adopted; there will be a much larger supply of vegetables, poultry and eggs, butter, and cheese; the land will employ more than three times as many as it now does. In the first instance, the land will be owned by small farmers, and cultivated by hired labourers; in the course of time subdivisions will take place, and the land will be cultivated by the owners and their families, according to the practice in the United States and the democratic cantons of Switzerland. These will not work hard, nor live luxuriously; some of their children will emigrate to the colonies, and being accustomed to independence, will make better settlers than the poor labourers of the present day, who having always been mere hired servants, are without capital, and at first incapable of farming on their own account. The children of New England farmers, instead of dividing the family farm, arrange matters thus: One of the family takes the farm, the others take a sum of money instead of their shares, and emigrate. It will be so with the English family: too minute a division of the land will be prevented; but a race of skilful, intelligent, and energetic agricultural emigrants will be raised under the democratic system, and that may be reckoned as one of its very numerous advantages.

If it be objected that still a time must come when the increase of population will cause a minute division of the land, our answer is, that if the present land monopoly system be kept up, the population question will present much greater difficulties. We are amongst those who have no fear that the population will become too great; the real representatives of the people will deal with this question vigorously at the proper time. They will prohibit early marriages if it shall be found necessary to do so, and will take care that the object of that prohibition shall not be defeated in any way whatever.*

* The following remarks on this subject are made in Mr. Mills's "Principles of Political Economy":—"Where a labouring class, who have no property but their daily wages, and no hope of acquiring it, refrain from over-rapid multiplication, the cause

But we cannot believe that a highly intelligent people will be, like cattle, unable to restrain their own increase. Important discoveries will be made on this subject, and, when made, will not be hooted down, as they would now, by the quacks (called statesmen) of the present day.

It is the population question that has turned the heads of many of our leading politicians. They are disciples of Malthus, and believe, with him, that, do what we may, there must be an immense mass of misery in the world; that the relief of the poor only tends to add to the population, by encouraging imprudent marriages; that any increase of food or employment has the same result; so that we may just as well let things remain as they are. This opinion prevails to a great extent; but the

I believe has always hitherto been either actual legal restraint, or a custom of some sort which, without intention on their part, insensibly moulds their conduct, or affords immediate inducements not to marry. It is not generally known in how many countries of Europe direct legal obstacles are opposed to improvident marriages. The communications made to the original Poor-law commission by our foreign ministers and consuls in different parts of Europe, contain a considerable amount of information on this subject. Mr. Senior, in his preface to those communications, says that in the countries which recognise a legal right to relief, 'marriage on the part of persons in the actual receipt of relief appears to be everywhere prohibited, and the marriage of those who are not likely to possess the means of independent support is allowed by very few.' Thus, we are told that in Norway no one can marry without 'showing to the satisfaction of the clergyman that he is permanently settled in such a manner as to offer a fair prospect that he can maintain a family.'—In Mecklenburg that 'marriages are delayed by conscription in the 22d year, and military service for six years; besides, the parties must have a dwelling, without which a clergyman is not permitted to marry them. The men marry at from 25 to 30, the women not much earlier, as both must first gain by service enough to establish themselves.'—In Saxony, that 'a man may not marry before he is 21 years old, if liable to serve in the army. In Dresden professionists (by which word artisans are probably meant) may not marry until they become masters in their trade.'—In Wurtemberg, that 'no man is allowed to marry till his 26th year, on account of his military duties, unless permission be especially obtained or purchased; at that age he must also obtain permission, which is granted on proving that he and his wife would have together sufficient to maintain a family or to establish themselves; in large towns, say from 800 to 1000 florins (from £86 13s. 4d. to £84 3s. 4d.)—in smaller, from 400 to 500 florins—in villages, 200 florins (£16 13s. 4d.)'—The minister at Munich says, 'The great cause why the number of the poor is kept so low in this country arises from the prevention by law of marriages in cases in which it cannot be proved that the parties have reasonable means of subsistence; and this regulation is in all places and at all times strictly adhered to. The effect of a constant and firm observance of this rule has, it is true, a considerable influence in keeping down the population of Bavaria, which is at present low for the extent of country, but it has a most salutary effect in averting extreme poverty, and consequent misery.'—At Lubeck, 'marriages among the poor are delayed by the necessity a man is under, first, of previously proving that he is in a regular employ, work, or profession, that will enable him to maintain a wife; and secondly of becoming a burgher, and equipping himself as a burgher guard, which together may cost him nearly £4.'—At Frankfort, 'the government prescribes no age for marrying, but the permission to marry is only granted on proving a livelihood.'—The allusion in some of these statements to military duties, points out an indirect obstacle to marriage, interposed by the laws of some countries in which there is no direct legal restraint. In Prussia, for instance, the institutions which compel every able-bodied man to serve for several years in the army, at the time of life at which imprudent marriages are most likely to take place, are probably a full equivalent, in effect on population, for the legal restrictions of the smaller German states. Where there is no general law restrictive of marriage, there are often customs equivalent to it. When the guilds, or trade corporations of the middle ages, were in vigour, their bye-laws or regulations were conceived with a very vigilant eye to the advantage which the trade derived from limiting competition; and they made it very effectually the interest of artisans not to marry until after passing through the two stages of apprentice and journeyman, and attaining the rank of master."

vigour and intelligence of a body of men really representing the whole mass of the people will speedily dispel the illusion.

V.

It is argued, in defence of the present social system in England, that an hereditary aristocracy is good for trade, and creates employment for great numbers of servants. The aristocracy purchase luxurious articles of dress, furniture, and food; they use elegant carriages, and patronise the fine arts. Moreover, being removed from the sordid pursuits of trade, they are distinguished for superior morality, a high sense of honour, great refinement and intellectual attainments, and are useful in society, by keeping up the standard of morality, diffusing noble sentiments, setting an example of elegant manners, and guiding public taste. In a word, they serve as an absorbent and exemplar class; absorbing labour that would otherwise overwhelm the toiling millions by its competition, and setting a brilliant example to the whole community.

To this it is replied, that, without denying that certain advantages are enjoyed by society through the existence of this class, those advantages are purchased at too high a price, and by too many sacrifices. The fact is, that, unless this favoured class be permitted to monopolise the land, it cannot continue to exist, and it cannot retain the monopoly of the land, unless we not only permit it to govern the country, but also provide for the greater portion of its members out of the public purse.

The moral and intellectual character of the people is debased by the very system which is set up as calculated to elevate the national taste—the people are poor, spiritless, and subordinated, almost ready, like the people of the east, to fall down and worship this aristocracy. Moreover, employment, instead of being increased by the aristocratic system, is greatly diminished. The land, under the present system of monopoly, does not yield direct support to one-third as many persons as it would if it were divided into small farms, and cultivated by the owners themselves. Under democratic institutions, the great mass of the people would consume more tea, sugar, and other imported articles, and this would increase the foreign commerce and export of manufactured goods; they would use more expensive articles of dress, fill their houses with better furniture, give their children a superior education, use more books, and purchase more ornaments. The employment afforded by the aristocracy is insignificant, in comparison with what would be created by the means just indicated.

The real effect of the aristocratic system, then, is to keep the people in a state of poverty, ignorance, and barbarism; whereas the effects of the democratic system are plainly shown, by the experience of the United States, to have a directly contrary character. We may add, without fear of contradiction, that the triumph of democracy is certain, and that

it is only through democracy that a reformed system of society can be obtained by England, or any other nation on the globe.

In the meantime, the existence of a class of persons living independently of trades, professions, or any other gainful pursuit, is not incompatible with democratic institutions, although it is impossible, under such institutions, to have an *hereditary* aristocracy.

It is not now the practice in America for those who have made ample fortunes in trade to retire, and leave the field to others. Settlements providing for widows and children are of rare occurrence, and so are life insurances; but this state of things may not continue in America. At present, an opinion prevails there that every man ought to do something for a living. That opinion is correct in the abstract; and, under a proper system of society, based on the principle of association, it would be practically recognised. But, under the present system of society, whatever increases the amount of competition, already too great, is an evil, and it is desirable to have a class of persons promoting employment, instead of competing with others for a living.

In England, the habit of making provision for the next generation has become established amongst the higher and middle classes. England will therefore, in all probability, under democratic institutions, have a numerous independent class, who will really be an ornament to society, as well as more useful, from their greater number, than the small band of hereditary aristocrats in furnishing employment for the people.

This class, however, will not have the pride of caste—the boast of high descent; it will mix familiarly with the other classes; and, being possessed of neither privileges nor great wealth, will be respected, not hated, flattered, or despised, like an aristocracy. Men of independent fortune will be candidates for, and obtain, their due share of public offices of honour and trust.

CHAPTER XII.

THE CONDITION OF THE PEOPLE OF AMERICA AND ENGLAND
COMPARED.

- I. Pauperism and crime in America—Poor-laws—Friendly and Benefit Societies—Savings Banks—Life Insurance—Needle-women—Domestic Service—Condition of Irish and German Emigrants—English and Scotch Emigrants—Disadvantages of a new country—The new Towns, want of comfort, &c.
- II. General state of Society—Competition in Trade—Employment for Mechanics and Labourers—Servants—The population of the thinly-settled Districts—Pauperism and Crime amongst Emigrants.
- III. General comparison between the condition of the various classes of society in England and the United States.

I.

It need hardly be said that there is pauperism in America, and crime likewise. In the large towns of America, there is a great deal of both, especially in New York; and yet, in consequence of police regulations, but few beggars are seen in the streets. The provision for the relief of the poor is hardly anywhere what it ought to be, and out-door relief is entirely inadequate. In comparison with England, friendly and benefit societies, and savings-banks, are rare in the United States, and life insurance is also infrequent. The poor labouring man, therefore, in America, who falls sick, or is in want of employment, suffers great distress, and the widow left with a young family has to struggle hard for a living. Private charity is inadequate and uncertain. Needlework is poorly paid for in most of the great towns, and young American girls do not like to go to service, because it is degrading, and would injure their chance of a good marriage. In cities, almost the only servants are Irish, Germans, and coloured people. In the country, there are hardly any domestic servants to be found; the members of the family, at farm-houses, usually do all the work that is to be done, whether upon the farm or in the household.

A full examination of the subject of emigration does not come within the scope of this work, but we will make a few remarks upon it. The condition of Irish labourers engaged on the public works is by no means enviable. They are usually lodged in uncomfortable huts, the climate does not agree with them, their health is destroyed by working in the broiling sun and drinking whiskey, and they are regarded with dislike by the Americans, on account of their intemperance and turbulence.

The German emigrants usually go where their fellow-countrymen are

settled. Their main object is to get little farms; they are patient, honest, and industrious, and seem generally satisfied with their new position. They have lately established themselves in the principal cities, in large numbers, as shopkeepers and mechanics.

The English and Scotch emigrants to America generally engage in trade, farming, and manufacturing. In most parts of the country, the climate is at first unsuited to them; they are apt to go to the unsettled districts, and often become dissatisfied. British emigrants should invariably avoid the slave States.

With respect to the British provinces in North America, now that they have become democratic, they are in many respects preferable to the United States. The climate of Upper Canada especially is more suitable to the British than most parts of the United States.

There is a great disadvantage in a new country, as compared with an old one—a disadvantage which is not compensated for at once, and in all cases by a superior government and laws. Most of the large towns in America are deficient in comfort and security; they are not properly drained, cleansed, lighted, paved, or watched, and the inhabitants are subjected to a great variety of nuisances, which will be got rid of in time. Most of the houses in the country districts are of wood, which neither keep out the cold of winter nor the heat of summer. The tidiness and comfort of the English labourer's cottage are generally wanting, and the neat flower-garden is seldom seen. The old settled parts of the Union are in most respects very preferable for British emigrants, whether we regard health, business, or society.

II.

The state of society in the United States is far from being as good as it will be in the course of a short time; yet, in comparison with the social condition of the people of the old world, that of the inhabitants of most of the free States is truly admirable. The large class of persons engaged in agricultural pursuits in America enjoy a rude species of independence, but their condition is by no means satisfactory.

As to those classes engaged in manufactures and trade, and the inhabitants of towns generally, over-competition has done its usual mischievous work. There is in many places as much competition in trade as we find in England, and more insolvency; but the insolvent may, and usually does, recover himself. The employment of mechanics in some of the principal trades is more precarious in many parts of America than in England, and the rate of wages in many departments is but little, if any, better, taking the year round, and making all due allowances for the difference in the price of provisions and clothing. Still, the American mechanic enjoys many advantages over the English.

As to mere labourers, the principal demand for them is on the public

works, where they become demoralised, and where, moreover, no regular permanent employment can be obtained. The condition of domestic servants in America is inferior in general to that of the same class in England, where domestic service is not considered disreputable. In the slave States, a great portion of the population is almost wholly uneducated, and destitute of the ordinary comforts of civilised life. The same remark applies to the people of the thinly-settled districts in the west.

There is a great amount of crime and poverty in many parts of the country, and it is not true, as sometimes alleged, that the criminals and paupers are almost exclusively foreigners; but it must be recollected, in comparing England with the United States, that criminals in America are not removed out of the country by transportation, but are set at liberty, after a short period of confinement; so that the same person is often convicted more than once. Were it not for the transportation of offenders in England, the criminal population would be enormous in this country.

III.

Society in England may be divided into the following classes:—

Firstly, The landed aristocracy, the monopolists of the land: these and their families enjoy all the power and emoluments of the State. There is no such class as this in America. There, the first class in the free States is composed of professional men and merchants, and in the slave States of the same persons, with planters—i. e. men farming their own land, and owning slaves.

Secondly, There is in England a wealthy and numerous body of men engaged in manufactures and commerce. The American merchants do not possess so much capital as the English, but live in pretty good style. Owing to the absence of an aristocracy, the merchants, as well as professional men, occupy a much better social position than the same classes in England.

Thirdly, There is in England a very large class of independent persons living upon moderate fixed incomes, without being engaged either in trades or professions, agriculture, or any other pursuit. This class, which may be said to be generally wanting in the United States, is the principal charm of English society.

Fourthly, *Retail Traders and Shopkeepers, and Master Mechanics.*—The competition amongst these is keen in most parts of the United States, as well as in England. A large capital is required in England to carry on business; the profits are smaller, and the consequences of failure are more serious than in America. Besides, the English tradesman is not so independent as the American, and has more difficulty in bringing up his family in a suitable manner.

Fifthly, *Journeyman Mechanics.*—There is no such class in America as

the operatives of Manchester, Leeds, Sheffield, &c. The employment of these operatives is uncertain, and their wages in some departments are very low; but, in general, the wages are considerable in amount, taking the average of the year. The people engaged in manufacturing in the United States are mostly of a very superior character. The factory girls of Lowell differ widely from those of Manchester; the former being remarkable for chastity and good conduct, as well as for their superior physical condition. In American towns, mechanics very frequently own the houses they live in, and steady, skilful journeymen soon become masters. The children of mechanics receive a good education gratuitously, and the boys are put out as apprentices without any premium, and earn their own living.

Sixthly, *Farmers and Labourers*.—Instead of the English farmers and peasantry, we find in America a body of small farmers cultivating their own land. It is true that the English farm labourers have a healthy, cheerful appearance; their cottages are tidily furnished, and look comfortable, and they and their families are well dressed; but these men are dependent for their daily bread upon the will of a master, and, being unable to save anything, can only look forward to public support in their old age. There are more farm labourers in many districts than are required. Were it not for the public works, the excess would at all times be very great, and these public works only supply irregular and casual employment.

Labourers on the public works get higher wages than are usually paid in most parts of America; but, then, it must be remembered that food is dearer in England, whilst, on the other hand, labour is pleasanter here than in America during the summer season, and here the labourer is employed nearly all the year round; whereas, in America, employment on public works is usually furnished for little more than half the year. Unskilled labourers in general are as well paid in England as in most parts of the United States.

Seventhly, *Servants*.—In England, a great number of both sexes, especially females, obtain comfortable employment as domestic servants. In America, this source of employment, as already explained, is not very considerable. In England, domestic service is more respectable for females than working in factories, whilst the reverse is the case in the United States.

Eighthly, *Paupers and Beggars*.—These are far more numerous in England than America, and so are criminals and prostitutes. There is no absolute necessity for begging in England, as the law makes provision for the destitute, which is not the case in some of the States.

CHAPTER XIII.

THE CONDITION OF THE PEOPLE OF AMERICA AND ENGLAND—
(*continued.*)

- I. General equality in America—Food, Clothing, Dwellings, Health, Amusements, &c.—Effects of Climate, &c.
 II. Condition of large American cities—The Country compared with England—Emigration—Character of the Americans.

I.

The general absence of farm labourers, domestic servants, and a poor manufacturing population makes American society present a very different aspect from that of England, to say nothing of the non-existence of ostentatious wealth in the United States, and its offensive obtrusion in England, contrasted with extreme poverty. The people of England are almost universally well dressed; education is provided for at least three-fourths of the rising generation; provision is made for the relief of the poor; the peasant's cottage will bear a favourable comparison with the western farmer's; and the English are in general more cheerful in appearance than the Americans, enjoy better health, take more vigorous exercise, and indulge in more amusements.

The Americans, in general, attend but little to the comforts of the table. Almost the only animal food of the country people is pork, which is usually of inferior quality. Indian corn bread is eaten in most parts of the Union. Wheat bread is not much used in the country districts. The inhabitants of the great towns, particularly the female portion, dress elegantly; but the Americans, in the aggregate, have little to boast of, so far as the matters of food, clothing, domestic comfort, recreation, and amusement are concerned. But every day witnesses great improvements in all these respects.

Much of the difference between the people of England and America must be attributed to the effects of climate, and the newness of the settlement of America; and it is always to be especially observed that the Americans are rapidly improving their condition, so that many grounds of complaint which existed a year ago may have been before this entirely removed.

There is every reason to hope and expect a great change to take place before the lapse of many years in the habits and customs of the people; so that there will be more recreation and amusement, more attention to

the quality of food, and the art of cooking, in all which matters the Americans are in general far behind the English.

The American climate prevents in a great measure out-door exercise during a considerable portion of the year, and to the climate must be chiefly attributed the facts already mentioned, that the Americans do not enjoy such robust health as the English, and are not blessed with so much cheerfulness.

The Americans in the free States are comparatively well educated, and they enjoy entire political, with no small degree of social equality. The father of a family does not find his children such a burthen as they are in England; their instruction costs nothing; the boys earn their living whilst learning a trade; or if the father be a farmer, they make themselves useful on the farm. The daughters are useful at home, and soon get married. The superior condition of women in America is worthy of especial notice; they are hardly ever seen working in the fields or engaged in any unsuitable kind of labour; indeed there is very little field-work which they could perform in that climate; they receive more attention and respect than the women of Europe, and are far superior as regards morality, virtue, and intelligence. It is true that the comforts of an English establishment, with its tidy and skilful servants, are unknown in the United States, but on the other hand, the people of England have no idea of the personal dignity and independence prevailing in America. Food is abundant and cheap in the United States, but the quality of the meat and poultry, &c., is inferior, particularly in the south and west. Fruits and vegetables abound in most of the northern and western States.

II.

The large towns in the United States are not well drained, cleansed, lighted, paved, and watched; but great improvements are being made in these respects. The houses, especially in towns, have a pretty and cheerful appearance: the outside walls are handsomely painted, and most of them are supplied with green Venetian shutters. The streets are usually very wide and straight, and trees are planted along the side walks. Some of the houses are large, and elegantly furnished; and many of the citizens keep good carriages. The servants do not wear livery. Parks and public walks are generally wanting. The roads are almost everywhere very bad. There are but few railroads in the southern and western States, the people having but little capital to invest in great public works; railroads, however, will probably be made by the several State governments, with borrowed capital, as canals have been. The electric telegraph is used in nearly all the large towns in the United States. The American railroads are not so well made as the English, but the American railroad carriages are very superior; they are con-

structed so that the passengers have a good view of the country through which they are travelling, and can walk about from carriage to carriage right through to the engine. The carriages are of great length, without being divided into separate compartments. Ladies can, without being attended, travel in these carriages in comfort and safety, and in case of accident to one of the carriages the passengers can run into one of the others, and communicate with the engine-driver.

The American river and lake steamboats are vastly superior to any others in the world in size and magnificence.

We are not disposed to admit the justice of the claims advanced by many Americans to superiority, at the present moment, in the arts and sciences; but unless the political example of America is speedily followed, the time is not far distant when the Americans will, in consequence of their liberal institutions, and the general diffusion of wealth, knowledge, and taste, outstrip all the nations of Europe. There is every year, and almost every day, some important addition to the manufactures of the United States, and a taste for the fine arts is growing rapidly all over the country. Cincinnati, in particular, has recently become very conspicuous in the departments of statuary and painting.

There is not much demand for agricultural labourers, and English emigrants have to compete with Irish and Germans. English mechanics and tradesmen have to learn fresh modes of working and doing business, and all emigrants must adopt new habits of life, some of which may not be agreeable to them, at all events at first. British emigrants of sober and steady habits almost invariably prosper after a few years' residence in the country. The children of Irish emigrants brought up and educated in America, are not distinguishable from the other inhabitants, from which fact it is clearly inferrible that the misery of Ireland is entirely the consequence of misgovernment.

The climate is not so temperate, nor so healthy and invigorating as that of England, and the country is not near so beautiful. There are no foot-paths across the fields, no green lanes, no shaded roads, no parks; in the summer the herbage is usually burnt up by the sun, and no green grass is seen in the winter, so that the country has a dreary appearance. The heat of summer is debilitating, and fever and ague prevail in most of the new districts. The winter however is, upon the whole, more pleasant than in England. The British emigrant is apt to sigh for the green lanes and rural walks of his native country; the parks, groves, coppices, and woods; the songs of the skylark, thrush, blackbird, and linnet; the sight of the green fields, sprinkled with flowers, hawthorn hedges and hedge-rows, and the thousand other delights of English country life. Away from the home of his childhood, amongst strangers in a strange land, he pines for the temperate and health-inspiring breeze to which he has been accustomed; he yearns for the amusements of his native coun-

try ; the society of his relatives and early friends ; he wants to revisit the haunts of his youth,—to see once more the old church and churchyard, and walk again through his favourite fields and woods. His discontent is misunderstood in the land of his adoption, and excites no sympathy. If he returns home he is disgusted with the state of society, and flies again to the land of freedom. Unfortunately, a great many of the most active and intelligent democrats of England emigrate to America. Were these men to remain at home, they would be of great service to the good cause, the triumph of which would place the inhabitants of these islands in a better position than that of any other people on the face of the earth.

It is impossible to speak in general terms of the character of the people of the United States, for the residents of the different States differ greatly from each other. The inhabitants of the New England States bear hardly any resemblance to those of the slave States. The former are descended from the puritans, the latter from a very different class of emigrants: there is a vast difference in the climate of those regions, and in the pursuits of the inhabitants. The consequence is, that the people of Massachusetts, and those of a portion of Louisiana, for example, can no more be compared with each other than the Scotch with the Italians. In some of the New England States, intoxicating drinks are not allowed to be retailed, whilst in New Orleans the people are far from being remarkable for temperance. In the latter city, the theatres are opened on Sunday ; whereas, in the northern States, the observance of Sunday is more strict and rigid than in Scotland. In some parts of the United States, there are six months winter ; in other parts there is no winter at all. In a word, the territory of the Union, being nearly as large as Europe, we cannot reasonably expect to find in the thirty different Republics a people who may be described in the same general terms. Remarks which may be correctly made respecting the trading population of New England can have no application to the planters of the south.

The true character of the different classes of society, in most, if not all, important respects, may be inferred from the facts already stated respecting their condition, political, physical, mental, moral, and social. The character of a free and independent, well-educated, and well-conditioned people, will of course be infinitely superior in every essential respect to that of an ignorant and impoverished nation.

It is often said of the Americans, that they are a vain people, and that they are tricky in trade, grasping, and selfish ; but it is universally conceded that they are patriotic, brave, intelligent, humane, and charitable, and that the women are distinguished for their virtue and modesty. As to their vanity, the people of the free States have much to boast of, their political institutions having placed them far above all other people on

earth. With respect to American traders, they are like all traders all over the world—keen at a bargain. We have no right to expect to find the dealers and farmers of America displaying as much indifference to the questions of profit and loss as the independent classes in England, who have nothing to do with trade or business of any kind; and yet it is this class of persons who censure so highly the money-seeking propensity of the Americans.

We shall conclude these few remarks on the character of the American people by stating our deliberate opinion to be that the people of the older free States are in the mass more religious, more intelligent, moral, and high-minded, more friendly, polite, and sociable, more humane and philanthropic, than the people of England. ✓

CHAPTER XIV.

AMERICAN POLITICS AND PARTIES.

- I. Unanimity of opinion on fundamental principles—American opinion of Monarchy.
- II. Free-trade—Triumph of Free-trade in the United States.
- III. The Currency question—The Paper-money Nuisance—Modern American opinion on this subject.
- IV. The Internal Improvement question—Power of Congress.
- V. The Public Land question.
- VI. The Slavery question—Position of Parties—Prospects of Abolition.
- VII. The various parties, Whigs, Democrats, Liberty-men, and Native Americans, described.

I.

The Americans are unanimous upon the fundamental principles of government. There is no anti-republican party, and we do not believe that there is a single native American in favour of a monarchical government. There is not a man or woman in America who does not regard the monarchical system of government as preposterous. The idea of an hereditary governor, or hereditary legislators, is regarded by all Americans as the very *acme* of absurdity for a people who have the opportunity of choosing their own institutions. Some Americans would prefer the election of president of the United States to occur less frequently, or to be left to both houses of congress; but not one for a moment dreams of the establishment of a monarchy. That system is hooted at by all classes, and viewed as the mere result of conquest and brute force. The fact that almost every country in Europe is frequently involved in civil wars, arising out of disputed claims to the throne, is constantly presented to the American youth, as an astounding demonstration of the miserable ignorance and folly of the people of the old world; and the disgraceful servility of the subjects of monarchies is the popular theme of the American teachers and orators.

The questions upon which a difference of opinion exists amongst Americans are of a minor description. Hence the uninteresting character of American newspaper discussions to the English reader. It seldom happens that they involve any vital principle. Disputes have arisen on the subject of free-trade, the currency, internal improvements at the expense of the Union, the disposal of the proceeds of the public lands; and the slavery question has afforded a great variety of topics for debate.

II.

Free Trade.—With respect to the free-trade question, it is only necessary to observe that a short time since there was a strong party desirous of favouring certain domestic manufactures, so as to protect them from European competition. Congress having power to raise the necessary revenue for federal purposes by means of customs duties, so arranged the duties as to incidentally protect certain branches of manufacturing industry, but this policy has been lately abandoned. The United States, however, will soon manufacture and export articles now imported from England. The English free-traders are wrong in supposing that England will continue to supply the United States with cotton and woollen goods and hardware.

III.

The Currency Question.—This is still unsettled; it is treated as a question for every State to determine for itself, and it is one over which congress has power to a certain extent to exercise jurisdiction. Congress alone can authorise the coinage of money. The power of congress to establish a bank, with authority to issue bank-notes, is disputed, and so is the policy of the measure, but there has been such a bank up to within the last few years.

In the various States, the currency question is fully discussed. Paper money has almost entirely superseded the metallic currency. In most of the States, the legislatures have unwisely granted charters to individuals, creating them corporations for banking purposes, and authorising them to issue bank-notes of certain denominations. These banks are usually restricted from issuing notes for sums under one dollar. The members of the corporation are, generally speaking, personally irresponsible for the engagements of the concern; but fanciful provisions are made for the purpose of securing the note-holder from loss. In some States, the banks are required to give security to the government for their issues; in others, they are required to have so much specie in their vaults, and securities of a certain kind. None of these safeguards are found to be sufficient. The prevalent delusion has been, that without bank-notes there would be a deficiency of the circulating medium; but this idea is in the course of being abandoned in most parts of the country. It is quite destitute of foundation.

The democratic party in Ohio is now determinedly opposed to paper money; and in some of the most modern constitutions of other States the legislatures are expressly prohibited from authorising its issue.

Banks of deposit and discount, private establishments, are useful; but paper money is a great nuisance. The public are unable to tell whether the notes are genuine, as forged notes are everywhere in circulation. In

Ohio, the notes of upwards of forty different banks are circulated, and the traveller is compelled to get his notes changed for others, when he goes into other States. This affords employment to a great number of brokers, or money-changers; and these, with the bankers and their dupes, are the advocates of a paper currency. Hardly any gold is seen, for that is hoarded up in preference to bank-notes.

There is no convenience in the paper money—it is dirty stuff; and, so far from being convenient to travellers, they have to exchange it for gold, and pay the difference in the value. Remittances are made by bills and drafts. There is plenty of gold and silver to answer all the purposes of a circulating medium; bills, notes, and cheques are made to represent the large transactions, and actual money is only required for small change.

The paper currency party in England would do well to examine the history of the currency question in the various States of the Union; if they would take that trouble, they would undoubtedly arrive at the conclusion of the democratic party of Ohio, that a paper currency is a contrivance, by means of which a few men obtain an unfair advantage over the rest of the community. The men who obtain a charter to issue bank-notes enjoy an important privilege, which places them above their fellow-citizens. The directors, their friends and supporters, alone can get discounts. How can the upright, independent tradesman compete with these people? Besides, the currency of the country is inflated by this system; the prices of all kinds of property are artificially raised, and then a panic comes, and the banks all at once restrict their discounts. Everybody wants to sell property to meet engagements; credit at the banks no longer being to be had, prices fall fifty per cent., or more; all great works are stopped, and thousands are ruined.

This is the operation periodically performed in all the States of the Union. The American people are becoming aware of the fact, that there is no necessity for a paper currency, just at the time when a party in England fancies it has discovered how to make the country prosperous, by the very means which have been attended with such disastrous results elsewhere. Instead of creating more paper money in England, even the Bank of England notes should be abolished.

In every State of the Union, the laws prohibit private individuals from issuing their promises to pay in such a manner and form as to answer the purposes of bank-notes. If these were permitted to be issued, there would be a mass of notes in circulation, like the old country bank-notes in England, which were issued for sums as low as £1. It was found necessary in England to restrict the issue to notes of £5 and upwards; and other restrictions have since been imposed upon parties issuing promissory notes, calculated and intended to circulate as money, the effects of which restrictions have been to give us a metallic currency

for all ordinary purposes. When notes of the character just described get into circulation, the tradesman has hardly any option about taking them, but is generally compelled to act like his neighbour, although he may have no faith in the promises of the issuers. For these reasons, "free banking," as it is called, should be prohibited. The assertion that paper money passes voluntarily from hand to hand is altogether erroneous.*

IV.

The Internal Improvement Question.—It is contended by some parties, that the constitution authorises congress to raise money for the purpose of making railroads, canals, harbours, and so forth. Congress is empowered to collect taxes, to provide for the general welfare of the United States, and is especially authorised to establish post-roads. But it is contended that congress should not, under pretence of establishing post-roads, undertake a series of costly public works, when the real object is not the transmission of the mail. As to the general welfare of the United States, it is denied that it would be advanced by the expenditure of large sums raised by taxation of all the States, for the improvement of a few of them. Besides, these improvements should, it is said, be left to the several States specially interested in them. It is conceded, however, that harbours ought to be formed, and lighthouses erected on the coast, at the expense of the Union. The real question to be determined, when a public work is proposed at the expense of congress, is, whether it would actually conduce to the *general* welfare, is required for a post-road, or for the purposes of national commerce.

V.

The Public Land Question.—Parts of the vast tracts of land belonging to the Union are sold from time to time by the general government. The possessor, or squatter, has what is called a pre-emption right, which is the privilege of purchasing at a low rate. A demand has been made, that the public lands within the limits of any of the States shall be transferred to those States, to be managed by them. It is contended that the general government should be relieved as much as possible from the management of public lands, because there is a great deal of jobbing and wastefulness; and it is also insisted that the central government is getting too much patronage into its hands. On the other hand, it is maintained that the national property should be held by the general government in sacred trust for the whole people of the United States; and that its management cannot with safety and propriety be abandoned to any of the States.

* The losses to the United States, according to some calculations, from 1837 to 1841 inclusive, growing out of banking, were 788 millions of dollars, which would be a loss of 130 millions of dollars annually for that period. The losses to the United States, by means of paper money since 1789, have been calculated at 1200 millions of dollars.

VI.

The Slavery Question.—In one half of the States negroes and their descendants are held in slavery, being the absolute property of their masters, and entirely subject to their will and disposal. Slavery formerly existed in New York, New Jersey, Pennsylvania, and other northern States, but was gradually abolished by acts of the legislatures. Most of the negroes were removed to the slave States. All the great founders of the American constitution were opposed to slavery, but were not strong enough to effect its abolition. At present the slave owners are, as they always have been, paramount in congress. They have always preserved at least an equality for the slave States in the senate, which is the real governing body in all that pertains to the Union; and as all interested in slavery have a common object, the senators from the slave states have always presented a compact body to support every measure for the protection and advancement of their peculiar institution. Any man desirous of obtaining office under the federal government must be in favour of slavery, or he will not obtain the sanction of the senate. As all great officers must be supporters of slavery, it follows that the leading politicians in all parts of the Union defend it, and no man can become president who is opposed to it. But the time is not far distant when all this will be changed, for notwithstanding the acquisition of Texas, which was required by the pro-slavery party to increase their power in the senate, the balance of power will soon be with the free states in consequence of the vast increase of population in the northern section of the Union. When that happens, politicians will be as anxious to deliver their sentiments in favour of the principles of freedom, as they now are to defend slavery, and the consequence will be the gradual abolition of the system. The two great parties in America, the whigs and democrats, do not differ on the subject of slavery; the democrats, however, are deemed more staunch in their support of it than the whigs.

VII.

The whigs call themselves the more respectable party: most of the merchants, bankers, manufacturers, and traders, are whigs, but a large majority of the farmers are democrats. The whigs were in favour of protection of American manufactures, and have generally supported the proposition to establish a great bank for the Union. The democrats have generally opposed these measures. Not that free-trade and opposition to paper money have been regular democratic doctrines: on the contrary, Pennsylvania, for example, voted for Mr. Polk as president, and yet declared itself in favour of protection. In some of the States the democrats oppose paper money, in others support it. In Ohio the opposition concentrates a large amount of intelligence and property, and has

the decided ascendancy in point of talent. Indeed there is not a great national question upon which the two principal parties in the United States are completely antagonised. It follows that the contest between them is for the offices only in most instances. The whigs did not, as a party, oppose the acquisition of Texas and the Mexican war, although many whigs, and but few democrats, raised objections.

There are two other political parties in the Union, but neither of them possesses much strength. One is called the *native American party*, and it is pretty numerous in the Atlantic cities. Its doctrine is that immigration should be checked and discouraged. The other is called the *liberty party*. Its doctrine is that congress should abolish slavery at Washington and in the district of Columbia; should refuse to permit slavery in the territory belonging to the Union at large, and should not extend slavery over the adjoining countries. This party is not strong in numbers, although its ranks are rapidly increasing in the northern and western States, where its principles are pretty generally entertained. The members of the liberty party nominate and vote for their separate candidates for the various offices in the gift of the people, and are often accused of throwing away their votes. To this it is answered, that they can only obtain public attention, and thus hope to convince their fellow-citizens of the justice and wisdom of their doctrines, by maintaining a separate organisation, and sustaining a separate newspaper press.

Within the last few weeks, and since the above remarks were written, a new party has been formed, called the *free territory party*; having for its object the exclusion of slavery from the territories lately acquired by the United States. Its candidate for the presidency is Mr. ex-president Van-Buren. This party will become very strong in the north, the fact being that the introduction of slaves into the territory in question would render it unfit for poor free labourers. The only persons interested in extending slavery into these territories are a few slave owners; the great mass even of the people of the slave States being interested the other way, as they hold no slaves. And yet such is the political power of the slave-owning aristocracy, that without doubt nearly the whole of the slave States will demand the extension of slavery into all the newly-acquired territory, from which it had been banished by the Mexicans. We trust that this demand will be successfully resisted by the north, that the slave States may be surrounded by free soil, and slavery ultimately extinguished in every portion of the Union.

CHAPTER XV.

THE BRITISH CONSTITUTION.

- I. The Legislative Power—Composition of the two Houses of Parliament—Sham Representation of the People.
- II. Voting by Proxy in the House of Lords—Power of the Sovereign—Powers of the Ministry—Modern Theory of the British Constitution—Defence of the existing Electoral System.
- III. Want of local Self-Government.
- IV. Proposed Reform of the Constitution—Separate Legislatures for different parts of the Empire.

I.

The legislative power is vested in an hereditary sovereign, and two legislative bodies—the houses of lords and commons. The house of lords is composed of the barons of England, an hereditary body; the English archbishops and bishops, some of the Irish prelates, and a number of Scotch and Irish lords elected by their peers. The queen can create as many members of the house of lords as she may think fit; and a threat was thrown out, in the time of William IV., that, unless the house passed the reform act, a sufficient number of new peers would be created for the purpose of passing that measure. The queen's consent is necessary to any new law.

The members of the house of commons are elected by a small portion of the people, upon no sound or ascertainable principle. Petty towns return a majority of the members for England; so that less than ten thousand electors have more representatives than all the electors of the metropolis and its suburbs, Liverpool, Manchester, Leeds, Sheffield, Birmingham, Bristol, Edinburgh, Glasgow, Dublin, and many other large towns put together. These petty towns are in the neighbourhood of the large aristocratic domains, and the voters are under the control of the aristocracy of the neighbourhood. The voting is open; so that the necessary control is exercised over the voters by the landlord class at the hustings. The members are elected for seven years, and the people are not allowed to choose any but men of considerable property. The member for an English county must have £600 per year; the member for a borough, £300 per year, derived from landed property, or the public funds. The electors in the boroughs must be freeholders, paying a rent of £10 per year rates and taxes. This is the general qualification required by the reform act; but the old electors who continue to reside

in the boroughs are allowed by that act to retain their right of voting. The old qualification depended on custom, and varied in the different boroughs: thus, in some of them, every rate-payer voted; in others, only a dozen or two of the citizens. Some of the smallest boroughs return but one member, the others return two each, with the exception of the old city of London proper, which returns four.

Most of the counties return four members, being divided into two districts, each of which has two representatives. The electors are persons owning freehold property worth £2 per year, copyhold property worth £10 per year; certain leaseholders, and all occupiers paying a rent of £50 per year. This latter sum is high enough to exclude nearly all the respectable householders who are not engaged in farming. The tenant-farmers vote as directed by their landlords: the voters in the little boroughs use their franchise so as to advance their interests in trade, and the majority take care not to offend their powerful neighbours. The poorer voters are bribed in some shape or other, when there is a severe contest.

The whole system of representation is so contrived as to secure the overwhelming preponderance of the landed aristocracy in the house of "*commons*," as it is called. As to the house of lords, it is in the exclusive possession of the same class. In Ireland, out of a population of eight millions, there are less than one hundred thousand electors. England is not in a much better plight; but, it is above all to be specially noticed, that *one-sixth part* of this trumpery electoral body return a majority of the so-called representatives of the people.

Before the passing of the reform act, in 1832, the state of the representation was, if possible, worse than it is now. By that act, some of the smaller towns were disfranchised; the larger towns were allowed representatives; votes were given to the householders in the boroughs paying £10 rent and rates and taxes; and the county franchise was conferred upon persons paying £50 rent, out of the limits of the boroughs, and to copyholders; but the grand result of this so-called reform is as above stated.

II.

No law can be made without the consent of the house of lords, and the members of that house vote by proxy; so that, although, a "noble lord" may be in France or Italy, he votes upon most of the questions brought under discussion. The power of the government is immense. In practice, the sovereign interferes but little; but, if a self-willed or conceited man were upon the throne, he would soon make his power felt.

At present the actual power of the monarch is very small; all public officers are chosen by the ministers; and on a recent occasion Sir R. Peel objected even to allow the queen to choose her own bedchamber women.

The *veto* power is not practically exercised by the sovereign, nor is it likely to be exercised by the ministers, as they are required to control a majority of the house of commons. If they fail to obtain such a majority on questions of vital importance, they resign their places to their opponents.

All the powers of the government are nominally invested in the sovereign. She is irresponsible for her actions; she can declare war, make peace, or enter into any treaty; she can compel the people to serve in any war that she may choose to embark in, and for that purpose she has the absolute disposal of the persons of her subjects; she can pardon all offenders; she appoints all the ministers, officers of state, judges, archbishops and bishops, all officers of the army and navy, and justices of the peace, and all other important officers, and can remove them at pleasure, with the exception of the judges and prelates. The lord chancellor holds his office at the will of the crown. It is at the present day the generally received theory of the British constitution, that the ministry should enjoy the confidence of a majority of the house of commons, and thus the powers of the executive are placed at the disposal of the so-called representatives of the people in that house.

It is contended by the supporters of the existing electoral system, that the measures of the present house of commons are not disapproved of by the people. That is a gratuitous assumption, made in the absence of any means of ascertaining the opinions of the people. If those opinions were asked on any specific questions of importance, it would be found that the existing system is, in all its parts, disapproved of by an overwhelming majority. Before the passing of the reform act, the borough-mongers argued that the people never differed from the house. Supposing the assertion to be true, it would only prove that the people had been kept in ignorance of the blessings of freedom.

III.

The people have not the management of their own affairs, either in national or local matters. We have already drawn the contrast between England and the United States in this respect. In corporate towns, the rate-payers have, under the enactments of the last reign, obtained a considerable amount of power; but the people of the rural districts are in the hands of the justices of the peace. The people are taxed and governed by these gentlemen in county matters without being represented. The justices are *ex officio* members of the poor-law boards of guardians, and the elected guardians are chosen by the landowners and rate-payers, on a most objectionable principle, that of a plurality of votes, some of the inhabitants being allowed more than half-a-dozen, whilst others have but a single one. Most parochial elections are open to the same objection. An entirely new system of local self-government is

required, one somewhat similar to that lately introduced into Canada would be a great improvement.

IV.

The constitution requires to be remodelled: there should be separate legislatures and governments for each of the three countries—England, Scotland, and Ireland—and a general parliament or congress for the whole empire. The advantages of this system have been already established by the experience of the great American Republic. The colonies should be represented in the congress, which should be invested with powers similar to those of the American congress. There should be two houses elected to constitute each of the local legislatures; and the people of each distinct part of the empire should elect a governor, the judges, and all necessary officers, after the manner already explained as being in force in the State of Ohio. In a word, the American federal system is, with some modifications, well adapted to the government of these Islands and its dependencies. At present the British parliament is literally overwhelmed with business, and has no time to attend to anything in a proper manner.

The British colonies should be represented in this proposed general parliament. Their representatives ought to take no part in the purely local affairs of England, Scotland, and Ireland, but only in those matters which affect the general welfare. England should put her colonies on a footing with Scotland and Ireland in all matters of commerce. There must be some tie between the mother-country and her colonies, or they will soon be lost. Their importance is very great, on account of their vast territorial extent and capacity to sustain a large population and augment England's wealth and commerce.

CHAPTER XVI.

THE CHARACTER OF BRITISH LEGISLATION AND GOVERNMENT.

- I. Advantages derived from the partial adoption of the Representative Principle—Further advantages of its entire adoption.
- II. The Army and Navy—The Established Church.
- III. How the British Constitution may be Reformed—Consequences of an improved Representation of the People—Impoverishment of the Aristocracy—Who are the Aristocracy?
- IV. Comparison between the American and English systems of Government and Legislation.

I.

The British constitution has been held up to the admiration of surrounding nations; and it has certainly set an example of the benefits to be obtained from even a partial adoption of the representative principle. Although the landed aristocracy have always governed the country, and the great political contests have been exclusively between different portions of that body, yet the mere discussion of public affairs has infused an energy into the councils of the nation which has been productive of vast benefits.

The entire adoption of the representative principle on the other side of the Atlantic has produced the most magnificent results, and our neighbours are at last following the great American example. Unless we do so likewise, we shall soon be the laughing-stock of the civilised world. The people of Great Britain and Ireland must, like the French, Germans, and Italians, be invested with the electoral franchise, or be scoffed at as an inferior race.

The form of liberty has been useful in England, although the substance has hitherto been wanting. The pretence that the "commons" were represented has given a sanction to liberal sentiments; and the actual expression of public opinion in a few of the elections has often guided the course of government, although the votes of the members thus elected are, and always have been, utterly insignificant in number. Moreover, the leading members of the aristocracy have striven with each other to obtain the suffrages of great constituencies, and have modified their political opinions accordingly. It is impossible to estimate the practical good that has been realised in England from the spirit infused by her political institutions. And yet the government is maintained as it was founded in the first instance, at the Conquest; and it is feared that

the people, if entrusted with arms, would turn them against the government. But another fear will soon spring up—the fear of invasion, and of the insufficiency of the regular army to resist it. This will lead to the establishment of a citizen force, and it will then be found absolutely necessary to place the legislation and government of this country on a more popular footing.

II.

The army is remarkable for its aristocratic character. The officers up to a certain rank purchase their commissions; and it is a very rare thing for a man of merit to rise from the ranks. The private soldiers, who have been enlisted for life, are subjected to flogging, and other degrading personal punishments; their pay is mean, and the pensions allowed are inadequate for the soldier's support in old age. The sailors in the royal navy are also flogged, and merit is scarcely ever properly rewarded. Future enlistments in the army are, by a recent act, to be for a limited period only; but that period is by far too long.

The established church of England and Ireland is of the most extraordinary character. In the latter country it is the church of less than a tenth of the people, and yet the tithes, and immense quantities of property besides, are applied to its use. In England, most of the clergy are appointed by a few aristocratic laymen, who own the right of presentation, and the appointments are the subject of trafficking, and even of public sales by auction. Some men hold a number of benefices at a distance from each other, take their thousands a year, and appoint curates to do all the work at salaries of £80 or £100 per year. Church-rates are imposed upon all the property of the country, to repair and uphold the churches of the state. The bishops and other dignitaries wallow in wealth, whilst a majority of the people have no church accommodation. The bishops of that poor country—Ireland—are notoriously rich, and there are many fat livings without any congregation.

III.

The British constitution may be changed by parliament, that is to say, with the consent of the queen and the houses of lords and commons. And it is to be hoped that parliament will see the wisdom of remodelling the constitution, for the sake of securing the happiness of the great mass of the people.

When the people are represented in the house of commons, the landed aristocracy will soon dwindle away; their estates will be sold; the laws which practically hinder the division of property will be repealed; and all the public offices will be held by persons from the middle and lower ranks. The "peers of the realm" will be impoverished, and then their pretensions to the rights of hereditary legislation and lofty titles will be

utterly denied. Their prolonged existence is impossible; nor can the established church remain long; and the greater portion of the standing army will be superseded by a national guard.

We have already seen that the laws are in a wretched state, being confused and voluminous; that the administration of justice is very defective; and that the system of transferring land-titles is pre-eminently absurd. Nearly all the land is owned by a few individuals, and these are enabled to retain their vast possessions by dint of the laws allowing property to be rendered inalienable for a certain period, by the law of primogeniture, and by the practice of quartering the young aristocrats upon the country; these fill all the valuable offices, and are enabled to obtain them through the influence of the head of the house. The chiefs, moreover, enjoy high-sounding titles, to distinguish them still more from the commonalty. The landed aristocracy are also the local judges; the hereditary legislators in the house of lords, and the real electors of the house of commons. No class in the world is more favoured. It has exempted itself from its fair proportion of the public burthens, and it monopolizes all the places of honour and profit.

It is sometimes argued that the people are so blended with the aristocracy that it is impossible to draw a line distinguishing one class from another. But this is an idle quibble. The great landowners, with their children and relatives, are the real aristocracy. The chiefs of this class are the peers; and the vast majority of the main body are hereditary landowners, holding entailed estates. It avails nothing to say that there are some new men amongst the great landowners; that class governs the country, and it is an aristocracy with the most overwhelming powers and privileges. The fact that it may not be able to trace its descent from the Norman conquerors is of no consequence whatever.

IV.

In America, the system of government and legislation is the very reverse of that of England. In lieu of an hereditary monarch, claiming the right divine to govern by descent from a military conqueror, there is a president elected every four years, and his powers are restricted to reasonable limits. The people do not merely claim a few privileges, but are the actual governors of the country, the source of all political power, the repositories of sovereignty. No class enjoys immunities or privileges of any kind. The representation of the people in the halls of legislation is a reality; their trustees, delegates, or agents are there to attend to the interests of the nation at large, but without any power to deprive the meanest citizen of his fundamental rights.

In England, on the contrary, the people, the middle as well as the working classes, are in reality unrepresented in the legislature. Population, wealth, and intelligence are all disregarded in the composition of

the house of commons; and, as to the house of lords, its legislative power is a mere remnant of the feudal system. The principle of representation is disregarded in all matters of a general nature, and but partially recognised in local affairs. In a word, the English political system is a patched-up remnant of the ages of absolutism and feudality, whilst that of America is founded upon the plain and inalienable rights of mankind. That the social condition of the people should be entirely different, under these adverse systems, can excite no surprise in the mind of any man who will bestow the slightest reflection on the history and progress of society for the last few centuries. On the contrary, it would be wonderful, indeed, if a people who governed themselves did not secure the general welfare; and it would be equally astonishing if we found, under the English, or any other similar government, an intelligent, moral, and prosperous people. ✓

CHAPTER XVII.

THE SOCIAL INFLUENCE OF THE ARISTOCRATIC SYSTEM IN ENGLAND.

- I. Neglect to provide Instruction—The Prevention of Cheap Newspapers—Want of exercise in the Rights and Duties of Freemen—Laws restraining Political Discussion and Political Associations—Spirit of caste created by the existence of a Titled Class—Extinguishment of Humane and Fraternal Sentiments.
- II. Laws creating a Monopoly of the Land and impeding its Transfer—Want of Small Farms owned by the cultivators—Servile Tenants and Poor Labourers—Immense Manufacturing Population—Wars against Liberty, and their consequences—The National Debt—Vicious system of Taxation—Lavish Expenditure—Evil consequences of the Standing Army.
- III. Government Patronage, how dispensed, Social Influence of the System—The Effects of the Aristocratic Church Establishment upon the Religion of the Country.
- IV. Social consequences of the Laws being obscure and the Administration of Justice enormously expensive—Want of a rational and humane system of Poor Laws—Want of due attention to the Health of Towns.
- V. Causes of Female Immorality detailed.
- VI. What the People's Parliament and Government will do, and what will be the social consequences of Democracy in Great Britain and Ireland.

I.

The effects of the aristocratic system of society and government upon the condition of the people have already been adverted to in different portions of this work. It will suffice in this place to add but little more than an epitome of our former remarks. The physical, mental, and moral condition of the people of England has been depressed by the following means :—

First, By the neglect of the State to provide gratuitous instruction. Great numbers of the people have always been brought up without even the elements of a common education.

Secondly, By the laws preventing the establishment of a cheap newspaper press. The great mass of the people are ignorant of their rights, and unaware of the evils inflicted upon them by class legislation.

Thirdly, By the absence of exercise in the rights and duties of freemen in the election of representatives to manage local affairs, and other representatives to legislate for and govern the country. The people are deficient in public spirit and intelligence, and great numbers, for want of intellectual and dignified pursuits, fritter away their time in low, vulgar, and debasing amusements. As to the few people who are allowed to vote, a large proportion of them either sell or barter away that right, or meanly truckle to the titled and wealthy.

Fourthly, By the laws restraining political discussion and political associations, which laws, being occasionally enforced, always have the effect of restraining thousands of men from taking an active part on the popular side, seeing that they must not only associate with persons who are branded by the law as criminals guilty of sedition and other grave misdemeanors, but must also violate the law themselves; for the law denounces all who excite dissatisfaction against the government and institutions of the country.

Fifthly, By the existence of a titled, wealthy, and powerful class which has been fawned upon, flattered, and worshipped, until large masses of the people have lost all sense of personal dignity, and become cringing and servile. The spirit of caste is created by this vile system; the example of the upper classes is followed by the next in order, and so on down to the lowest, and society is split into a variety of grades, each of which looks with contempt on the one beneath. This is the cause of the refusal of the middle classes to support the proposition for universal suffrage. The destruction of the fortunes of the hereditary nobility and aristocracy of France by the first revolution dispelled this noxious spirit, and introduced in its place general freedom of intercourse and familiarity in that country. The English, on the contrary, are distinguished for their coldness, pride, and selfishness. They are unsociable, cringing to those of superior rank, and domineering over their inferiors. Humane and fraternal sentiments are, under this social system, damped, or entirely extinguished; for very little sympathy is felt for the sufferings of people of an inferior class. Hence, aristocratic historians speak with complacency of the indiscriminate slaughter of thousands of common people, with their wives and children, but are mightily excited in detailing the misfortunes of a few of the upper classes.

II.

Sixthly, Aristocratic laws have tended to vest nearly all the land of these islands in the hands of a few individuals. Such has been the object of the law allowing land to be entailed, and such is the object of the law of primogeniture. The enormous expense of transferring real property prevents land from becoming an article of commerce. This expense is caused by the various laws respecting the transfer of land, and the refusal to establish a registry of deeds, the effect of which we have already explained, in speaking of the facility of transferring land in America, and its important social consequences. There is, moreover, in England a pernicious tenure called copyhold, which restrains alienation, and prevents improvements. In some manors the lord is entitled to a sum equal to two years' rent upon the death of the owner, and also upon every sale. This is like the mischievous seigniorial rights in Lower Canada. The lord in some manors is also entitled, on the death of the

owner, to his best chattel. Sometimes neither the owner nor the lord can cut timber, wherefore none is permitted to grow, even where it would be a great advantage. The monopoly of the land by a few individuals has been sustained by their control of the government, which has enabled each of them to quarter members of his family on the country, and then leave the family estate to the eldest son. The consequence of this monopoly of the land, is the absence of small farms, cultivated by the owners. Instead of this class we have servile tenants and poor labourers, who are far too numerous, whose wages are barely sufficient to sustain them decently, and whose only prospect in old age is the workhouse. Again, we have every department of trade and manufactures overcrowded with persons who ought to be employed on small farms owned by themselves, where a *little labour* would suffice to support a whole family in comfort and absolute independence. We have an immense manufacturing population drawn from the rural districts, to fester and become corrupted in the large towns, and to add to the numbers of those vainly competing with each other for subsistence.

Seventhly, An aristocratic government plunged the nation into a debt of nearly a thousand millions, to carry on wars against liberty in France and the United States; and this enormous burthen has been cast upon the landless portion of the community. Commerce is restrained, employment limited, and the comforts of the people reduced, by this system of taxation. The principal part of the burthen of taxation should be placed upon permanent realized property.

Eighthly, The government is lavish in its expenditure; enormous salaries are paid to office-holders, who have little or nothing to do; a large and expensive standing army is maintained, instead of a national guard; pensions are granted to poor nobles; places are created for them and their families; the support of the barbarous and silly splendour of the crown costs vast sums; and all these expenses are paid by an impoverished people.

Ninthly, The manners of the people are corrupted by the army and navy. Aristocratic officers purchase their commissions in the army, and the people have become inured to the system of allowing merit to go unrewarded, and to see the common men whipped like dogs. The presence of soldiers and sailors, officers and privates, is marked by the spread of debauchery and demoralisation in the infected districts.

III.

Tenthly, All government patronage is dispensed by, and for the benefit of, the aristocracy, directly or indirectly. There is no encouragement for talent, the faculties of active and intelligent men are benumbed, and the great mass of the people have sunk into a state of listless apathy. No great and glorious sentiments are popular; but the most sordid

selfishness pervades the whole community. The electors treat the franchise as a thing to be used for the advantage of themselves and their families. The example set in high places is followed throughout the whole community; public men obtaining office by aristocratic influence, are not under the necessity of professing patriotism, and the commonalty are taught to laugh at the idea, as worthy only of a set of mob leaders and demagogues. The leading newspapers ridicule all men who endeavour to advance the popular cause, unless they are men of high rank and influence. The intense love of country, and the enthusiasm of republicans may be looked for in vain amongst a people who are denied the undoubted exercise of the right of attending to the administration of public affairs.

Eleventhly, The very name of religion is made obnoxious to thousands of intelligent men by the English and Irish church establishment, with its princely prelates, lords of parliament, palaces, starving curates, neglected congregations, and wealthy holders of livings, appointed by landed aristocrats. Think of a priest being appointed by an aristocrat to be paid thousands per year out of the public property of the nation! Think of the right of appointing a clergyman being sold by the aristocratic patron by auction, which is a common occurrence; and this is the reformed *protestant* church! What can be the intellectual and moral condition of a people who are forced to sustain such a deplorable state of things? The people have no voice in the selection of their spiritual teachers, no control over them; these teachers are aristocrats, rural judges, revelling in wealth and self-indulgence, and many of them setting the worst possible example to the people. It would be absurd to expect to find such a people otherwise than in a state of gross ignorance and immorality. Were it not for the exertions of the dissenters, there would be a total want of religious instruction in all the most populous parts of the country; and that, although the established church is the richest in the world, and is literally gorged with the wealth of the nation. English churches are usually comfortless, the preaching poor, and the music and singing wretched. The different classes are separated; the pews are fitted up with hard seats for the poor, and cushions for the rich.

IV.

Twelfthly, The people are deficient in a proper knowledge of the laws by which they are governed—first, because they are, under the aristocratic system, kept in a state of ignorance and indifference to everything of real importance; and, secondly, because the laws themselves are so obscure and voluminous, that even professed lawyers do not understand a tithe of them. Moreover, the people are in the habit of submitting to wrongs, because the administration of the law is surrounded with technicalities, delays, and ruinous expense. Here is another source of the

prevalent servility and want of the spirit which distinguishes intelligent freemen, who have proper courts of justice to resort to, where the laws are administered freely and promptly, for the benefit of rich and poor alike, without fear, favour, or affection.

Thirteenthly, The country is overrun with vagrants and beggars, because there is not a rational and humane system of relieving the poor; the landlords being anxious to increase their incomes by diminishing the allowance made for the support of the aged, the sick, and the destitute. Benevolent individuals, knowing that proper relief is refused to the poor, feel compelled to bestow alms upon the poor wretches who wander about the country; but the hearts of the public in general are hardened by the constant presence of destitution and beggary.

Fourteenthly, The character of the people is seriously affected by the wretched condition of the dwellings of the poor in large towns; the want of proper drainage, and suitable provision for the preservation of cleanliness and decency; also from the want of open places for exercise and recreation. Nothing effectual will be done to remove these evils until the people are properly represented in the house of commons.

V.

Fifteenthly, The country is filled with prostitutes, the victims of a vicious state of society, under which the masses are plunged into poverty and ignorance; and a few are supplied with the means of exercising an irresistible influence over females in an inferior rank of life. The excessive prevalence of seduction and prostitution is to be attributed to the following causes, viz.—1, The fact that hundreds of thousands of women are unable to obtain employment, have no friends to support them, and cannot get husbands because of the inability of great numbers of men in the same rank of life to support wives and families.—2, The influence and example of the upper classes in indulging their vicious passions.—3, The influence exercised by men in a superior rank of life over females of the lower ranks.—4, The presence of an immense standing army.—5, The wretched system of religious instruction.—6, The general absence of intelligence and feelings of personal dignity.

VI.

A legislature and government chosen by the people will soon effect a complete reform in the state of society. It will abolish all artificial ranks and distinctions; render nugatory all family influence in obtaining public offices; merit alone will be promoted in the army and navy, and the state; the men of the people will be the writers, orators, legislators and judges, and hold all the offices. By these and other means, a degree of energy will be infused into the mass of the people, that will lead to the most splendid results.

The land now monopolized by a few will be relieved from the shackles of entails, and speedily sold in parcels, as the owners will no longer be able to compel the nation to keep their families; laws will be made facilitating the transfer of land-titles, so as to reduce the expense in ordinary cases to a few shillings. Then mechanics and labourers will purchase houses and farms, and pay for them by instalments, secured by mortgages; and most people may own the house they live in. A *graduated* property-tax will accelerate this division. Let the man of £50,000 a-year derived from land be taxed at a higher rate than the small owner, and he will be glad to sell out, and seek some other investment for his capital. A stringent measure of this kind is necessary at the outset, so that some of the most intolerable of the results of a thousand years of feudalism may be swept away within a reasonable time, and for the benefit of the existing generation.

There will be a proper system of education; a cheap newspaper press; public libraries; frequent public discussions; and good sound religious instruction will be diffused by pious and zealous men voluntarily chosen by the people. The vile church establishment of England and Ireland will be abolished, and no compensation will be paid to the bishops and clergy for the loss of their bishoprics and livings—they have already received too much for their services.

There will be a proper system of taxation, so that commerce may not be restrained, employment restricted, nor the people's comforts abridged. There will be plain and simple laws, properly administered by judges responsible to the people.

There will be no wasteful expenditure, no idle drones feeding on the public property, no compensation paid to superfluous officials. The people will be constantly exercised in the rights and duties of freemen, will be accustomed to discussion, and there will be no aristocrats to domineer over them. Every man and woman will conduct himself and herself as a free citizen, having no recognised superior. The manners and customs of the people will be revolutionised, to correspond with their high position.

There will be a citizen force, in lieu of a large standing army; and then, and not before, will the country be really safe from invasion. The corrupting influence of the aristocracy, the state church, bishops, and clergy, a standing army, and hordes of placemen and pensioners, will be swept away. There will be no more bribery, intimidation, and undue influence at elections. Those who are now great and powerful will be compelled to acknowledge the justice of equality; and, if they desire public office, must commend themselves to the public favour, by showing their ability, striving to do good, to elevate public taste, and add to the comforts and enjoyments of the people. There will be proper laws for the relief of the poor; liberal out-door relief will be given in proper

cases; the aged and infirm will be treated with care and humanity; and the able-bodied, unable to obtain employment, will be set to work to raise agricultural and gardening produce, of which we need not fear an excessive supply. There will be few or no beggars, and comparatively but little prostitution.

Due attention will be paid to the health of towns, and places of recreation will be provided for the public use.

The population question will be properly understood. The subject of systematic colonisation will be attended to. These, with the other measures detailed above, will effect an entire reformation in the condition of the people *at once*. It will soon be discovered when a proper system of government is established, and proper laws made, that there are not too many people in these islands, but that, on the contrary, there is an abundance of land for five times the present population of Great Britain as well as of Ireland.

The establishment of free institutions will prevent the loss of Ireland and the colonies, and save the country from another crusade against liberty—a crusade which, if undertaken, will end in the entire destruction of the British empire.

With the aid of free institutions, the people of this country will become intelligent, temperate, moral, high-spirited, and prosperous. Nature has singularly favoured the British islands with a healthy, invigorating, and temperate climate; the country is incomparably beautiful; and the people ought to be amongst the happiest in the world. ✓

CHAPTER XVIII.

THE RESTRICTIONS OF THE LIBERTIES OF ENGLISHMEN, WANT OF FREEDOM OF THE PRESS, AND OF DISCUSSION—ORAL AND WRITTEN.

- I. Blackstone's definition of Natural Rights—Violation of those Rights—Right of Petitioning—Origin of the Laws prohibiting Free Discussion—Mr. Fox Maule's remarks on the Six Acts, and the Conduct of the Government of 1817—*Permission* of Free Discussion—Danger of attending Public Meetings.
- II. The Act 39 Geo. III. prohibiting Associations—Power of Justices over Inn-keepers—The Law prohibiting Lectures and Public Meetings in unlicensed places.
- III. The Act 57 Geo. III. ; prohibition of Societies—The Act 60 Geo. III., prohibiting Meetings of more than 50 persons, unless &c.—Consequences of exciting contempt of the Government, &c.—Prohibition of flags, music, &c. at Public Meetings.
- IV. What is an Unlawful Assembly—What is a Riot—The Riot Act—The Act 60 Geo. III., prohibiting the Learning the Use of Arms—The Right to possess Arms—How that Right is dealt with.

I.

According to Blackstone, the natural rights of the whole human species are those of personal security and personal liberty. The first of these implies an uninterrupted enjoyment of life, limb, body, health, and reputation ; and the second, an unlimited power of locomotion. He says also that the political rights of which every Englishman in his substantive capacity participates, are,—1st, The constitution and privileges of parliament. 2d, The limitation of the king's prerogative. 3d, The right of applying to courts of justice for redress of wrongs. 4th, The right to petition the king, or either house of parliament. This statement of political rights is altogether insufficient. The principal right of man in a social state is to have legislation and government, both general and local, effected by the representatives of the people, freely, fairly, and frequently chosen ; and it is an obvious proposition that even the representatives can have no authority to deprive the citizen of certain fundamental rights.

We have already seen that the vast majority of Englishmen are unrepresented in Parliament, and that practically their lives and liberties are at the disposal of this parliament, which is chiefly composed of men devoted to the interests of the great landowners. We have also seen that the limitation of the royal prerogative is very slender, and that the administration of justice is attended with great expense, uncertainty,

and delay. And as to the remaining political right mentioned by Blackstone, the right of petitioning, this is limited by the act 13 Chas. II., which provides that no petition to the king or either house of parliament for any alteration in church or state, shall be signed by more than twenty persons, unless the matter thereof be approved by three justices of the peace, or the major part of the grand jury, in the country; or in London by the lord mayor, aldermen, and common council. This act also provides that no petition shall be presented by more than ten persons at a time. It is true that the first part of this law has seldom been enforced.

With regard to the supposed liberty of the press, and the right of the people to meet to discuss their grievances, it will be found that the laws of England recognise no such thing. The ancient law of the kingdom, laid down in very early times by the judges, who were nominees of the crown, removable at pleasure, was of course extremely rigid; that law, remains to this day in full force. A tory ministry, however, in the reign of George III., was not contented with it—a trifling spark of liberty still remained, and that they were determined to extinguish. In the year 1840, it was publicly stated in the house of commons, by Mr. Fox Maule, then one of the secretaries of state for the home department, that “the government of 1817 came down to the house for extraordinary powers. They came down to parliament for the six acts. The 19th chapter of 57 Geo. III., under the pretence of being an act for the more effectual prevention of seditious meetings, was in effect an act passed *for the purpose of suppressing public discussion altogether.*” And he also observed, that “he found it recorded that the government of 1817, not content to rely on the ordinary, or even the extraordinary, powers the law had placed in their hands, in order to the conviction of those guilty of sedition, had employed spies to go amongst those misguided persons, to mix with them, to excite them, and then to betray them into the hands of the government. The people of England had been visited by one of the greatest plagues with which a people could be inflicted. That government, which ought to be their protector, had sent persons among them to stir up acts of violence.”*

The laws thus referred to are still in force. It is true that the government has *allowed* a certain degree of liberty of discussion; but the permission may be withdrawn at any time, and those who have relied upon it sacrificed without a moment's previous notice, as many hundreds of persons have discovered to their cost within the last few years.

According to a charge recently delivered by Mr. Justice Patteson, those persons who convene a public meeting are to be held responsible for the illegal conduct of any persons attending such meeting; and all persons

* Upon the examination of certain persons at Bow-street, August 18, 1848, the principal witness was a spy, who had urged the accused to acts of violence.

present at the meeting are to be held as participators in any illegal acts done by any persons at such meeting. If this be the law, it is obvious that no man can be concerned in, or present at, a public meeting, without running the risk of a prosecution.

II.

The act 39 Geo. III., chapter 79, section 1, suppresses certain named societies, and enacts that every society, the members whereof shall take or assent to any test or declaration *not required* by law, and every society of which the names of all the members, and of all committees, and of all officers, shall not be entered in a book to be kept open for the inspection of all the members; and *every society composed of different divisions, or different parts*, acting separately from each other, shall be deemed unlawful combinations and confederacies; and it is punishable to be a member of, or to support, such a society. *The object of this act was to prevent all political associations*; and it is so worded as to include all associations, even those of a religious and scientific character.

By the 14th section, two justices, upon evidence on oath that any meeting of any such society, or any meeting for any seditious purpose, has been held at any place licensed to sell ale, beer, wine, or spirits, may declare the license forfeited. *This makes two magistrates the judges of what politics are seditious.*

By the 15th section, every room, field, or other place in which any lecture shall be publicly delivered, or any public debate had on any subject whatever, at which people shall be admitted in consideration of any money or other valuable thing, or under pretence of paying for refreshment or other thing: and every place which shall be opened or *used as a place of meeting for the purpose of reading books or other publications*, and at which any person shall be admitted by the payment of money, shall be deemed a disorderly house or place, *unless the same shall be previously licensed.* *The object of this clause was to prevent all political agitation*, and to effect that object a sweeping enactment is made, which reaches even reading-rooms and mechanics' institutions, and lectures on scientific subjects. It was resolved by the framer of the act that there should not be any loop-hole of escape, and he did not care about the criticism that perfectly innocent persons, whom the legislature did not desire to interfere with, were embraced by the terms of the act.

Heavy penalties are imposed on persons conducting or attending the proceedings. Two justices may give a license for lecturing, or for opening reading-rooms, and the license may be revoked by the same or other justices, if they think that the lectures are of a seditious or immoral tendency, or that publications of such a nature are there commonly kept and delivered to be read. Every house or place licensed to sell beer, wine, or spirits, is to be deemed a place licensed for

reading books, pamphlets, and other publications, *subject to the control of the justices*, in manner beforementioned. The act is so comprehensive in its language, that it was necessary to insert a proviso that it should not extend to lectures delivered at the universities, or in the inns of court, or by the professors of Gresham college, nor to persons delivering lectures for the instruction of youth only. Persons offending may be *summarily convicted by justices*, without the protection of trial by jury.

III.

The act 57 Geo. III., chapter 19, prohibits meetings of more than fifty persons in Westminster or the county of Middlesex, within a mile from the gate of Westminster Hall, except such parts of the parish of St. Paul, Covent Garden, as are within such distance, for the purpose of considering of, or for preparing, any petition, &c., for the alteration of matters in church or state, on any day on which either house of parliament shall meet, or the courts of Westminster Hall be opened. This may not be objectionable, but the act goes a great deal farther. It suppresses certain clubs, naming them, and prohibits *societies having any committee, representative, or missionary, to meet or communicate with any committee, representative, or missionary of any other society*, or to persuade any persons to become members thereof. *The object of this statute is to prevent the possibility of any extensive association for the furtherance of political opinions*, and the wording of it is so comprehensive that it includes almost every association that has ever been formed, whether for religious, scientific, philanthropic, or political purposes. By a recent enactment, 9 & 10 Vic., chapter 33, no proceedings are to be had under this act, or that of 39 Geo. III., except in the name of the law officers of the crown.

The act 60 Geo. III., chapter 6, prohibits meetings of more than fifty persons (except meetings called by the great officers of the county or town where the meeting is held), for the purpose of considering any public business, *unless in the parish within which the people calling the meeting usually inhabit*, and unless *six days' notice* of the meeting is given to a justice by seven householders of the place, and the justice may alter the time and place of meeting. If anybody at such meeting holds any discourse for the purpose of inciting the people "to hatred and contempt of the king, or the government and constitution," he may be taken into custody at once, and if there is any resistance, a justice may put an end to the meeting; and if after that has been done any person remains for a certain period, he is liable to be transported. *The object of this statute was to throw obstacles in the way of public meetings of parties opposed to the government*, and the words are so comprehensive that they include almost every public meeting held for any purpose whatsoever.

This act does not apply to a meeting held in a room (such meetings being sufficiently shackled by other statutes), nor to boroughs, after the issuing, and before the returning, of the writ for an election. No person is to attend such meeting, even when legally called, armed with any weapon, except justices, and others going in their aid. No person is allowed to proceed, to be present at, or return from, such meeting, with any flag, banner, or ensign, exhibiting any device, badge, or emblem, or with any drum or music, or in military array.

This is another contrivance to prevent public excitement; but the law is violated with impunity by the supporters of the government at all times, and is only occasionally put in force when a political party becomes too formidable to the party in power. This act does not legalise meetings that would be otherwise contrary by law.

IV.

An assembly is unlawful, if the jury believe that it is calculated, or likely, to endanger the peace or create alarm. Accordingly, large political meetings of the working classes to further their peculiar opinions will, in all probability, be pronounced by a middle-class jury to be illegal, upon evidence showing that some persons in the neighbourhood *feared* their windows would be broken, or business interrupted, or a fight, quarrel, or disturbance of any kind created. It is sufficient to show that any one person was terrified.

All persons who attend public meetings of the poorer classes in England must not only run the risk of being prosecuted for attending an unlawful meeting, but are also in great danger of being implicated in what the law calls a riot. The meeting is sure to be an unlawful one, if grumbling political speeches are made. All persons present are held to be participators in any illegal acts committed by a portion of the meeting, unless they can adduce evidence to exculpate themselves; a very difficult matter, seeing that other persons present at the meeting are not willing to come forward to testify.

A riot is where three or more persons are engaged in any act of an unlawful and violent character, to the terror of the neighbourhood. The offence is punishable by fine and imprisonment. The parties will be guilty of a constructive levying of war against the queen, an act of high treason, if their object be a general one, as to alter the established law, or enhance the price of all labour, &c. If twelve or more persons are riotously and tumultuously assembled together, and do not depart when commanded so to do by a justice of the peace, they are guilty of felony, and may be transported for life. Before the present reign, the penalty was death.

The act 60 Geo. III., chapter 1, prohibits all meetings and assemblies of persons for the purpose of training or drilling themselves, or of being

trained or drilled to the use of arms, or for the purpose of practising military exercises, movements, or evolutions, without the authority of justices, &c. The people are allowed to possess arms, but not to learn the use of them. This is an English peculiarity: the Spaniards and Portuguese, and others whom we are in the habit of speaking of as an oppressed people, are not treated in this manner. As to the right to *possess* arms, the parliament would without any hesitation, at a period of excitement and alarm, authorise them to be taken away. This has been done in many parts of Ireland, and the example would be followed in England, if deemed expedient.

CHAPTER XIX.

THE RESTRICTIONS OF THE LIBERTIES OF ENGLISHMEN, WANT OF FREEDOM OF THE PRESS, AND OF DISCUSSION—ORAL AND WRITTEN.—(*continued.*)

- I. What is Sedition—Chief Justice Wilde's conflicting definitions—Baron Alderson's definition of an Illegal Assembly—Chief Justice Tindal's definition of Sedition.
- II. Specimen of Sedition cases—Charge of the Recorder of London—Definition of Sedition given by the Criminal Law Commissioners.
- III. Practical Operation of the Laws—Report of a recent trial for Sedition.
- IV. Remarks on these Laws—Under what circumstances they are enforced.
- V. The Statute 25 Edward III.—What is Treason—Liability of Newspaper Proprietors for publishing Reports of Seditious Speeches.
- VI. What is Conspiracy?
- VII. What is a Libel on the Government or Institutions of the Country?
- VIII. The new Treason and Felony Act—Its real objects and actual operation—Baron Lefroy's charge in Mr. Mitchell's case—What is Felony or Treason?
- IX. The right to discuss the proper Form of Government—Public Meetings, when not permitted.

I.

The judges have defined sedition to be anything tending to bring the government, constitution, or constituted authorities into disrespect, and calculated to create discontentedness. This is the sum and substance of all the charges recently delivered on the trials of indictments for sedition; but the judges, as if half ashamed of such a preposterous state of the law, usually talk a great deal about the wickedness of exciting the people to acts of violence; but the question left to the jury, after all, is not whether the language complained of is of that character, but simply whether it does not come within the legal definition above mentioned. The judge adds his own opinion, that the words alleged to have been spoken or written are seditious, and tells the jury to convict the prisoner, if they believe the testimony. This was the course pursued by Chief Justice Wilde, on the trials of the chartists at the Old Bailey, in July, 1848. The charge of that judge, in the case of Fussell, is a fair sample of judges' charges in political cases of this description. The charge was more vigorous as an argument in favour of a conviction of the prisoner, and occupied a longer time than the speech of the attorney-general. After descanting upon the glorious liberty of Englishmen in the usual style, he declared it to be criminal to complain of the administration of justice; and, in commenting upon observations of the prisoner's counsel, denied that the people could in any conceivable case rid themselves of a

tyrannical king. He observed that King James abdicated the throne, but was not expelled; thus treating his abdication as a perfectly voluntary act. No explanation was offered for the exclusion of the son of the king from the succession, and the introduction of a line of strangers.

In one part of his charge the judge defined seditious language to be that which excites disaffection in the people against the government, and *calls upon them to resort to violence*. In another part of the charge he told the jury to convict the prisoner if they believed that he intended to stir up violence, or to *bring the government into contempt*; whilst at other times he treated the question in such cases as being simply whether complaints of the institutions of the country are made deliberately or only in the heat of the moment: and he observed that if the law officers of the crown were to weigh in the balance every expression used at a public meeting, the effect would be to restrict open discussion altogether, for men could hardly speak of their grievances, whether real or supposed, without using strong language. This latter remark puts the matter in its true light: the right of public discussion depends upon the mere will and pleasure of the law officers of the crown, the justices of the peace, and other functionaries appointed by the government.

Mr. Baron Alderson, in his charge on the occasion of Vincent's trial, at Monmouth, in 1839, declared that an assembly was illegal if the individuals met at an unreasonable hour of the night, or if they used violent language, or if they proposed to set the different classes of society at variance the one with the other—*Reg. v. Vincent*, 9 *Carrington and Payne's Reports*, 93.—And Chief Justice Tindal, when addressing the grand jury at the Stafford special commission in 1842, told them that when the language employed consisted of broad and bold assertions unfounded in fact, the speaker might be convicted of sedition. The following is an extract from the charge as reported in 1 *Carrington and Marshman's Reports*, 664 :—

"You will consider, therefore, the language that is employed on such an occasion. If it consists of broad and bold assertions, unfounded in fact; if in discussing religious topics you find the speaker endeavouring to be sprightly and facetious on those subjects which make wise and good men serious; if instead of argument he deals only in sneers and sarcasms, it will be for yourselves to say whether, under such circumstances, the party charged with the offence is an *honest* but mistaken man, or whether he is wickedly intending to bring the religion, laws, and government of the country into *contempt*, and to teach the hearers to despise all those institutions which it is their *duty* to hold in respect and veneration."

A jury of political or religious opponents of the prisoner determine whether assertions militating against their opinions are founded in *fact*, and according to the judge's charge it is the *duty* of the public to respect and venerate all the institutions of the country, including, of course, the established church and the existing system of electing the house of commons.

There is no coherency, consistency, or legal precision in these charges of the judges; they seem to be weak or strong, according to the circumstances of each case. When the language, the subject of the prosecution, is simply calculated to excite dissatisfaction, the truth of the assertions of the speaker, and the question as to his motives, are left out of sight; and it is argued that he has, by exciting dissatisfaction, done that which *may induce* others to resort to arms to redress their supposed grievances. In some of the cases tried at York in the month of July, 1848, the judge laid down the law broadly to the jury, that it was criminal to excite discontent against the institutions and government of the country; and the jury convicted in cases where there was no appeal made to physical force.

II.

The following is a specimen of sedition cases as reported in the newspapers, without note or comment, as if they were mere matters of course:

"William Downing, a respectable tailor, residing in Castle-place, was next charged with using seditious and treasonable language against the statute. The expression he made use of was 'To hell with the Queen.' He was also remanded till Tuesday, but was admitted to bail, himself in £50, and two sureties of £20 each."—*Daily News*, August 1st, 1848.

The following is the charge of the recorder to the grand jury at the central criminal court, August 21st, 1848, as reported in the *Daily News*:

"The defendants were charged with delivering speeches of an inflammatory character at what were called Chartist meetings, at which from 500 to 600 persons were present; and the number of persons at those meetings, he said, should always be considered a material point in connexion with the intentions of the speakers and the tendency of their addresses. It would be their duty to look at all the circumstances surrounding the charge, the nature of the subjects brought to the consideration of the meeting, the topics that were introduced, and if they were not of a directly revolutionary character, whether they were not evidently calculated to alienate the affection of the people from the Crown and the Government as by law established. If they should be of opinion that this intention was made out, it would amount to the offence of *sedition*, and it would be their duty to return true bills against the defendants. The perusal of some of the depositions in these cases induced him to make the further observation, that a person who wilfully introduced seditious and exciting topics which had been written or spoken by other persons, and who might say they were *not his own opinions*, would not thereby escape from the law; for a man had no right to rake up treasonable matter and use it for the purpose of exciting his hearers; and if he did so he would be equally guilty of sedition, if the grand jury should be of opinion that the speech was made with the object suggested."

The criminal law commissioners in their fifth report, speaking of seditious assemblies and so forth, say,—

"Such offences, though inferior to that of treason, are so far similar that they tend to injure and endanger the political constitution by engendering public discussions, tumults, and conflicts by exciting discontent in men's minds against the constitution and laws, or the manner of their administration, or by exposing the Sovereign or public

functionaries to hatred and contempt, and thus exciting them to effect sudden political changes by unlawful means. Such offences, therefore, may be regarded in the light of assaults on the constitution, which, although they do not aim at its destruction, ought, for the sake of its safety and security, to be prohibited under proportionate penalties." —P. 17.

III.

Every censure on the government, every expression of a desire for reform, comes within the legal definition of sedition, established by the judges who flourished under despotic kings, before liberty of discussion was thought of in this country. Every political speaker in favour of reform has been at some time of his life a criminal in the eye of the law. It will not do to argue that the laws affecting the liberty of discussion, of association, and so forth, are a dead letter; they are always treated as in full force and vitality in courts of law, and *the fear of these laws operates so as to prevent any formidable political agitation.*^{*}

* The following report in the London *Daily News* of July 28th, 1848, of one of the trials at York for seditious speaking, will serve as a sample of this class of cases:—

"July 27. Before Mr. Justice Creswell.

"**THE QUEEN v. TOMLINSON.—CHARGE OF UTTERING SEDITION.**—The defendant was indicted, first, for uttering a seditious speech; secondly, for uttering a seditious libel; and thirdly, for being present at a tumultuous meeting.—Mr. Knowles stated the case. A meeting was held on Monday, the 12th of June, at Toffsham Moor, near Bradford, and was attended by between 7,000 and 8,000 persons, and the defendant was one of the speakers. The people who attended it marched in military step, with banners, and accompanied by bands of music. On these banners were certain inscriptions, one or two of which he would read. On one of them were inscribed the words—'It is better to die by the sword than to perish with hunger.' On another—'The charter with peace, or a republic.' In the course of the proceedings the defendant addressed the multitude and said:—'It has been said that God pronounced a curse on man; that was, that man should eat his bread by the sweat of his brow; but if God pronounced a curse on man, man has pronounced a greater curse on his fellow-man, for he has said 'Thou shalt not eat bread, but shalt pine.' Place yourselves in such a position then—in a position that will enable you to overthrow for ever the despotic government that now tyrannises over you—the most base, brutal, bloody, plundering, liberty-destroying, middle-class government with which a nation was ever cursed.' The defendant proceeded: 'Did I say base?—Yes! For its baseness is exhibited in the language of its members. Bloody?—Yes! For the blood of millions of persons can be traced to the door of the English senate-house, which is crying out for vengeance—eternal vengeance on the murderous system.' After some more remarks in a similar strain, defendant went on to say: 'Let us hurl from power the supporters of existing establishments, and let us be prepared to erect in their stead institutions which will confer peace and prosperity on every member of this vast commercial empire. Let them grant equal political privileges to every member of the community. You may wait for the middle classes doing this, but if you are waiting in expectation of that, your prospects will be blighted. You may wait until doomsday in the afternoon, and be no nearer than you are now. If you are determined to be free, then instantly organise yourselves, and if you do so, you may hope to succeed. Let the three words 'Agitate, agitate, agitate,' be changed to the words 'Prepare, prepare, prepare.'"

"Gentlemen, said the learned counsel, these are the words which form the subject of this indictment; and I feel that it would be trifling with common sense, and be an insult to any man's common understanding, if I were to labour further to show that the meaning of this speech is other than that which we attribute to it. Political discussion in this country is free; and I am not here to limit it further than the rules of decency and the safety of the institutions under which we live require.—Mr. H. H. Thompson, short-hand writer, proved the correctness of the quotations from defendant's speech made by the learned counsel.—This was the case for the prosecution.—Mr. Pollock made an energetic speech for the defence.—Mr. Justice Creswell then proceeded to sum up, telling the jury that the question for their consideration was whether

IV.

With respect to the impolicy and injustice of such laws but little need be said. No man ought to be treated as a criminal on account of the expression of opinions, either on politics, religion, or other matters, however violent or contemptible such opinions may be, when unaccompanied by any act or counselling to deeds of violence. It is going far enough to punish those who actually commit, or attempt to commit, crimes, or advise and counsel others to do so.

The prevention of meetings of the people, and of free discussion, under the pretence that violence may follow, is the old shallow artifice habitually resorted to for the purpose of preventing the exposure of abuses. Under the existing laws, any person exposing the evils of the present system of law-making and government may be prosecuted, and severely punished; for not a word can be written or spoken which may be calculated to excite dissatisfaction with the proceedings of the government, without the speaker or writer being liable to an indictment for sedition. The leaders of any political party obnoxious to the government, and violating these laws, can be torn from their families, thrust into prison, and treated like the vilest malefactors, by the regular enforcement of the laws of the realm. It is true that, in times of perfect quiet, the government would make itself unpopular amongst many of the holders of political power by putting the law in force, and consequently the citizen is, in such times, pretty safe from prosecution. But this is a very frail

the prisoner intended to excite disaffection towards the government of the country. The language of this speech might be *absurd* to the ears of educated persons, who would probably only have laughed at the speaker, and shamed him out of making such a *foolish exhibition* in future. But when the jury saw that this language was addressed to some thousands of uneducated people, who, starving from want, *were taught to believe that their suffering was to be charged on the government of the country; under such circumstances, let them ask themselves whether such language was not calculated to bring upon that government a great amount of hatred and disaffection.* His lordship went through the speech, sentence by sentence, and the general purport of his remarks went to show that it was addressed, not as against any odious or obnoxious minister of the crown or representative of the people, but as calling upon those to whom it was addressed to place themselves in a position to enable them to overthrow for ever the despotic government that then was said to tyrannise over them.—The jury retired at ten minutes to seven to consider their verdict.—Mr. Pollock then asked his lordship, with a view to a mitigation of punishment, if, in the event of the verdict being adverse to his client, his lordship would hear evidence to show that the language of the speech was not the defendant's, but written by some one else, and adopted by him?—Mr. Justice Creswell: Certainly not. I cannot administer an oath after the verdict is delivered.—In about twenty minutes the jury returned into court with a verdict of *GUILTY*.—Sentence deferred.

The prisoner was afterwards sentenced to eighteen months' imprisonment. It will be seen that the question left by the judge for the consideration of the jury was, "whether the prisoner intended to excite disaffection towards the government of the country." The judge intimated his own opinion to be that, as the prisoner endeavoured to teach the people "to believe that the suffering was to be charged to the government of the country" his language was calculated to bring upon that government a great amount of hatred and disaffection. It is thus held to be a highly criminal offence to show the people that they are prejudicially affected by bad government; and yet every newspaper in the country argues and insists that, if certain laws were enacted, and others repealed, the condition of the people would be greatly improved.

protection. Hardly any political meeting can be held without the parties assembling being liable to be prosecuted for attending an illegal meeting, since sedition is sure to be uttered, unless it happens to be a meeting at which nothing is spoken but in praise of the government and the existing state of things.

Great numbers of persons were prosecuted in 1841-2, and severely punished for being present at meetings at which speeches were delivered complaining of the defective representation of the people in the house of commons, and its evil consequences; and one of the judges took occasion to declare that the powers that be are ordained by God!

In times when the institutions of the country are in the least degree endangered, or supposed to be so, the government will not hesitate to put the law in force to suppress political agitation. All laws, even those popularly supposed to be obsolete, are sure to be made use of, and the judges decide according to the precedents established by their high prerogative predecessors. The laws which many of us have fondly believed to be obsolete, are in fact of great efficacy in preserving the existing institutions, whether those institutions be good or evil.

V.

It is declared by the statute 25 Edward III., stat. 5, chapter 2, to be high treason to compass or "*imagine*" the death of the king. The judges have held under this statute that if any words in writing or print are published which have a *direct tendency to alienate the affections of the people from the king, such publication is an overt act of compassing or imagining his death!* because this will in all probability be the consequence! It is needless to multiply instances: this one will suffice to show how the judges have been in the habit of construing, or rather making, the laws affecting the liberty of discussion.

It is not safe to complain of the acts of the sovereign or of the government, or of the extravagant nature and extent of the royal prerogatives, for who knows but that it may be held that the remarks have a direct tendency to alienate the affections of the people from the sovereign, and therefore subject the party making such remarks to the penalties of high treason. Of course, all such complaints are rank sedition at the very least.

It has recently been stated by high legal authority in the house of lords, that the printers and publishers of a newspaper may be prosecuted for publishing reports of seditious speeches delivered at public meetings. Another legal authority on that occasion observed, that the question would depend upon the *animus* of the publisher. According to this opinion, the reports may appear in the *Times* or *Chronicle*, but a radical newspaper editor or publisher may be charged with treason, libel, or sedition, for transferring the same matter into his own columns from those of the aristocratic press.

VI.

The law of conspiracy is another check upon the liberty of the citizen. The whole of this law is judge-made, and it is a mixture of uncertainty, inconsistency, and absurdity. According to the legal decisions, conspiracy does not consist in the accomplishment of any unlawful or injurious purpose, but in the agreement of two or more persons to effect the commission of a crime, or to do something which, in the opinion of a judge, may be wrong in itself, or prejudicial to the public. Thus, it was held to be conspiracy for journeymen to make arrangements with each other to refuse to work for less than certain wages. And, in legal contemplation, it is a conspiracy for people to make arrangements for getting up public meetings to complain of any of the existing laws of the realm, because by so doing dissatisfaction is excited. In O'Connell's case, all the judges were unanimous in holding that the agreeing of divers persons together to raise discontent and disaffection amongst the people, or to stir up ill-will between different classes, is a conspiracy. Every scheme or plan, by two or more, to disseminate information on the subject of the existing class legislation may be denounced as a conspiracy.

VII.

The Law of Libel is another formidable weapon in the hands of the government. Publications tending to lessen the queen in the esteem of her subjects, or to weaken the government, are libels; and the truth of the matters stated forms no defence. So are publications tending to persuade the people that the government is maladministered. In *Rex v. Cobbett* (reported in *Holt on Libel*, p. 114, note), which was a criminal information against the defendant for publishing a libel upon the administration of the Irish government, Lord Ellenborough, chief justice, in his address to the jury, observed:—"It is no new doctrine, that if a publication be calculated to alienate the affections of the people, by bringing the government into disesteem, whether the expedient be by ridicule or obloquy, the person so conducting himself is exposed to the infliction of the law. It is a crime." It certainly is not a "new doctrine," for it was established hundreds of years since, in an age of undisguised despotism, and it is now time to establish a new doctrine.

A person publishing what is called a libel is liable to be apprehended, on a warrant issued by a justice of the peace, and to be indicted and tried by a bench of justices, who are great landowners, and a jury of their farmers and tradesmen. If found guilty, the defendant may be fined and imprisoned. The fine may be as much, and the imprisonment as long, as the court pleases. Selling a book containing a libel, or lending it to a friend, is a publication of a libel, for which the seller or lender may be punished. An agreement between two or more persons to dis-

seminate information at public meetings, or through the medium of the press, which information may have the effect of diminishing the confidence of the people in the general administration of the law, or bring into disrepute the tribunals established for the administration of justice, is illegal, and the parties so offending may be committed to prison for several years, and be fined, at the discretion of the court. A publication complaining of the existing system of administering justice is a libel, and so is any publication calculated to produce dislike in the people towards any of the authorities, or towards the established church or its dignitaries.

After this exposure of the law, it may well be asked whether every conversation or publication in which complaints are made of the existing political system, is not seditious or libellous, if the government happens to be displeased with it? The answer is—even so.

Lord Brougham, in his speech on legislation and law in the house of lords, on May 12, 1848, treats it as a great defect in the law that the truth cannot be given in evidence in any prosecution for libel upon the government or its officers in their public capacity. The admissibility of such evidence would be inconsistent with the whole of the law laid down in despotic ages on the subject of political discussion, and now in force.

VIII.

By the act passed in April, 1848, (11 Vict. chap. 12,) it is enacted that if any person "shall within the realm, or without, compass, *imagine*, invent, devise, or intend to deprive or depose" the sovereign, or to levy war against him or her, in order to compel a change of measures or councils, or in order to put any force or constraint upon, or to intimidate or overawe, either house of parliament, or to move or stir any foreigner to invade the United Kingdom, or any of the queen's dominions, and such compassings, imaginations, &c. shall express or declare by publishing any printing or writing, or by *open and advised speaking*, or by any overt act or deed, he shall be deemed guilty of felony, and shall be liable to be transported for life, or for any term not less than seven years." This act is not in any manner to affect that of 25 Edward III. If the facts charged in the indictment amount to treason, still the prisoner may be convicted of felony. Provision is made for the punishment of principals in the second degree, and accessories before and after the fact.

The principal effect of this statute, which is couched in barbarous and ungrammatical language, is to enable the authorities to prosecute for felony in treason cases, it being supposed that juries will more readily convict for felony than for treason. Another object of the statute is to enable the government to obtain a conviction for felony for the use of words evidencing an intention to depose the sovereign, overawe parliament, or procure an invasion, or even showing the speaker's mere hope or desire that the monarchy will be destroyed at some future period by

some means or other ! Before the passage of the act, the use of such words would render the speaker liable to an indictment for sedition only, and not for treason, unless spoken in contemplation of some traitorous purpose actually on foot, or intended and in prosecution of it.

The passage of this act was resisted by a few of the radical members, who objected chiefly on the ground that mere words were made felonious. To this it was answered by the prime minister and attorney-general, that, as the law then stood, words might be treasonable, and that the act was a mitigation of the severity of the old law. This is not correct, for the government may prosecute for treason, instead of felony, whenever the acts complained of amount to treason, according to the old law ; and mere words are made felonious, which were formerly only seditious.

It is a remarkable fact, that not a single member of either house availed himself of the discussion on this measure to complain of the laws respecting sedition, the right of association, and so forth ; nor was the disgraceful state of the law on those subjects adverted to by any of the newspapers.

Under this act, Mr. J. Mitchell was convicted by a jury of protestants, and transported. Baron Lefroy, in his charge to the grand jury, assumed that any person expressing a desire to see a republic established in Ireland is to be held to intend to *deprive* the queen of her crown. His words were :—"Gentlemen, it is for you to construe this, and see if you can even imagine any way in which her majesty can be queen of this United Kingdom of Great Britain and Ireland, and yet Ireland be an independent republic. If you can, consistently with common sense and the interpretation of these words, entertain any doubt upon that subject, you will then be at liberty to hold that this passage does not manifest the purpose and intent of *depriving* her majesty of her state and title of queen of the United Kingdom."

A constitutional change of the monarchical system of government is thus treated by the judge as utterly impossible ; and, according to his opinion, all persons expressing themselves in favour of the republican form of government may be treated as traitors imagining or intending to *deprive* the monarch of her power. Her own abdication, or consent to a bill to change the form of government, is not, according to Baron Lefroy, a supposable case.

IX.

In the discussion in parliament upon the new treason bill, this subject was broached by some of the speakers. It was alleged by one of the members that the people had a perfect right to discuss the question of a republic ; but the language of the principal speakers gave no countenance to this opinion. The popular opinion is, that it is not permissible

to debate the matter, and this opinion has been encouraged by the remarks of judges, attorneys-general, and statesmen, on fitting occasions.

It is clear that no person has any legal right to discuss this, or indeed any other subject, in a manner calculated to excite dissatisfaction with existing institutions. People may praise the queen and the aristocracy, and laud the "mixed constitution and the balance of powers," but liberal criticisms of these praises and laudations are not legally permissible. The real or supposed prevalence of anti-republican opinions in England, may be easily accounted for, when we reflect upon the fact that it is generally believed to be dangerous to avow republican opinions, especially whenever the political horizon is at all overcast. Besides, tradesmen, farmers, professional men, and others, even if they believed the monarchical system to be unreasonable and vicious, would be afraid or unwilling to express their sentiments, lest by so doing they should give offence. Men in such circumstances, therefore, will be sure to profess their love of monarchy and aristocracy, and will not be willing to admit that their opinions are influenced by their dependent position.

It is true that certain newspapers published in England have of late years occasionally contained a few words in favour of the republican form of government; and these newspapers have not been interfered with; and many seditious articles have often appeared in the same papers. What is permitted at one time is deemed dangerous at another time, and dealt with accordingly. Meetings in violation of the statute and common law of the realm have been held with impunity thousands of times; but lately the chartists, in many parts of the country, have been absolutely prohibited from holding meetings in the open air. They could not find many licensed rooms to meet in, as the proprietors were afraid of giving offence to the authorities; and it has been the practice in London to surround their places of meeting with policemen armed with cutlasses. The effect of this proceeding was to deter people from connecting themselves with a political party clamorous for an effectual measure of parliamentary reform.

CHAPTER XX.

THE RESTRICTIONS OF THE LIBERTIES OF ENGLISHMEN, WANT OF FREEDOM OF THE PRESS, AND OF DISCUSSION—ORAL AND WRITTEN.—(*continued.*)

- I. Recent Enforcement of the Laws, and conduct of the Press on the occasion—Power of the Government over the Post Office, the Railways, and Electric Telegraphs—The Alien Law.
- II. Why Trial by Jury is usually no protection in Political cases—Why the Habeas Corpus Act is of little value.
- III. Power of Parliament and its Disposition—The Laws to prevent the dissemination of Political Knowledge through a Cheap Press.
- IV. Recapitulation—General view of the Laws and their Operation—Occasional permission to violate some of the Laws.
- V. Temporary Laws of the French Republic.
- VI. Restraints on Religious Liberty—Law against Attacks on the Tenets of the Established Church—Apostacy, Heresy, Blasphemy.
- VII. Imprisonment without regular Trial—Sureties for good behaviour—Conviction of suspected persons—Imprisonment for possessing Arms—Punishment for Poverty—Blackstone on the Liberty of the Subject—Proposed Reform of the Laws.

I.

It is often asserted by Englishmen when defending the honour of their country, that the laws against liberty are not enforced, and that public opinion would be outraged by any attempt to act upon those laws. The truth is, that they are all enforced whenever the occasion is supposed to require it; and that is the true reason why these laws are not repealed or altered by the legislature. It is not many years since Mr. Muir was transported for lending a copy of Paine's works to a friend, and for saying to his maid-servant that he thought a reform of the present system necessary. For this he was sent to the hulks in irons, and transported for fourteen years under laws still in force.

Within the last few weeks the laws prohibiting the people from learning the use of arms, have been put in force in England and Ireland; one man has been transported for saying "right shoulder forward," and several have been tried and convicted for similar offences. The laws against public meetings have also been rigidly enforced, so as to prevent assemblies of persons complaining of the house of commons. And public opinion, so far from being outraged by these exhibitions, has looked on with complacency. The newspaper press made no complaints against the very objectionable doctrines propounded by the attorney-general or

laid down by the bench on trials for political offences, but treated all such doctrines as undoubtedly sound, just, and proper, and requiring no legislative correction.

We feel no hesitation in saying, that if the government had arrested every popular advocate of the working classes in England, had seized and destroyed all the chartist presses, had suppressed every radical association directly, and prohibited every chartist meeting, had instituted a search for arms and put in force all the existing laws, the parliament would have passed a bill of indemnity, sanctioning any overstepping of the bounds of the law; "public opinion", *i. e.* the opinion of the wealthy classes, would have assented to all this, and clamoured for more coercion, and the leading newspapers would have applauded the entire performance. Nothing is easier in England than to excite the alarm of these ruling classes, and make them blind, cruel, and vindictive. The only true protection of the citizen is in good laws well administered. Any reliance upon the forbearance or clemency of the government, or the fitful passions of the multitude, will be found on the day of trial totally unfounded and mistaken.

The government will generally permit the people of this country to violate the law, by complaining of grievances, unless their conduct is deemed likely to be productive of any inconvenience, in which case these complainings will be speedily suppressed, and all obnoxious leaders sacrificed.

The government may at any time open letters passing through the post-office, and may apprehend all suspected persons, and ransack their houses and papers. It can, when it pleases, under the alien act recently passed, expel all foreigners from this country. The government can stop all the mails and take possession of the whole machinery of the telegraph, so as to prevent the transmission of any information.

II.

It may be supposed that trial by jury is a great protection to persons prosecuted for sedition and attending unlawful meetings, and so forth, but that is not the case. The jurymen are bound by their oaths to decide according to law, and the judge tells them what that is, from the precedents established in the ages of open and undisguised despotism. Besides, the jury are generally selected from the political opponents of the party accused. On the late trials for felony and sedition, in Ireland, the government gave instructions to leave out of the jury all persons favourable to a repeal of the union; and on the late trials of the chartists, in England, for delivering seditious speeches, the middle-class jurymen evinced the utmost readiness to convict the accused, who were either working men or their advocates. Not one out of the many scores indicted escaped—the verdict was always "guilty." The selection of the jury panel rests

with the officers nominated by the government and the judges. The right of challenge is freely exercised by the crown in political cases, whenever deemed necessary, and the result is, that, on a trial for a political offence, the accused is tried by a jury selected by his political enemies; and it seldom happens that a repealer or chartist is allowed to remain on the jury when a member of either of those parties is to be tried.

The *habeas corpus* act is supposed to be a great protection to the liberty of the citizen. Formerly any person might be arrested by the government, and kept in prison without any reason being assigned. By that statute a person in custody has a right to sue out a writ to take his body before one of the superior courts at Westminster, which will discharge him, if it does not appear that he is in custody on some distinct accusation. This slight protection from the absolute power of the government, is however unavailing in times when the citizen is in danger from its aggressions. Parliament will on such occasions suspend the *habeas corpus* act, and authorise the government to imprison suspected persons without giving any reasons for so doing. In quiet times the act is unimportant, for the government has no desire to exercise power by any other than the ordinary means; the act then serves as a subject of boasting—it is called a bulwark of English liberty,—but as soon as the government desires to issue *lettres-de-cachet*, and use a bastille, the parliament, which be it remembered is not chosen by a majority of the people, suspends the act, so that it is of no practical use whatever as a shield against the exercise of absolute power on the part of the great landowners.

In Ireland the viceroy may, whenever there is any outbreak, or other manifestation of the commencement of a rebellion, seize and detain every individual who may be suspected of seditious or treasonable practices or opinions. This he may do on his own mere authority, without the suspension of the *habeas corpus* act.

III.

The ordinary laws, both in England and Ireland, are amply sufficient to suppress any manifestations of discontent; but whenever anything extraordinary is desired for the same purpose, the parliament, composed of the aristocratic class, having unlimited power over the lives and property of all the citizens, is always ready to pass any enactment that the government may demand.

It is even within the province of parliament to pass a bill of attainder and condemn any man without a trial, or to abolish trial by jury and institute military tribunals. These powers would be intolerable even if vested in a body of men elected by the people, and are much more so when exercised as they are in England by the aristocracy and their nominees. In July, 1848, the lord-lieutenant of Ireland was authorised

by an act of parliament to apprehend and imprison any person whomsoever, and commit him to prison and there detain him until the month of March following, without trial or inquiry of any sort. The lord-lieutenant also, under the power of certain acts, deprived the people of Dublin and many other parts of Ireland, of their guns, pistols, and other arms, a few privileged and licensed persons only being authorised to keep weapons for their defence. Persons having arms contrary to law are liable to be imprisoned, with or without hard labour, for any period not exceeding two years.

It is proper in this place to notice the laws enacted for the purpose of preventing the dissemination of political knowledge. Formerly there was a duty of fourpence upon each copy of a newspaper, but this has been reduced to one penny. Newspapers pass through the post-office free, but the duty on the newspapers is not a postage duty, it is levied on papers not going through the post; it is a duty imposed for the avowed purpose of preventing cheap newspapers. The act 6 & 7 W. IV., chapter 76, provides that any paper containing public news, intelligence, or occurrences, printed in any part of the United Kingdom, to be dispersed and made public, and also any paper containing public news, intelligence, or occurrences, or any remarks or observations thereon, published periodically, at intervals not exceeding twenty-six days, shall be liable to the duty unless such paper shall exceed two sheets or be sold for more than sixpence. The combined effects of the duty of one penny, the duty on paper, the heavy duty on advertisements, and the security required by government from newspaper proprietors, have effectually prevented the establishment of cheap newspapers for the working classes; and the consequence is that the advocates of the wealthy and middling classes have a complete monopoly of the daily press. That press forms public opinion. It is a fact conclusive of the character of these laws, that there is not in Great Britain a single daily newspaper published out of London.

IV.

It will be found, on a review of the laws before detailed with respect to the liberty of the press, of speech, the right of assembling to discuss political grievances, and the right of association, that they could not be made more rigid. The pretence that Englishmen possess those rights and privileges for which the French, Germans, and Italians have lately contended, and that successfully, is absurd. We have seen that, under the existing laws, any man who speaks or writes anything calculated to excite dissatisfaction in the minds of the people with respect to the government of the country, is liable to be indicted for sedition, and fined and imprisoned; and every meeting at which such a speech is delivered is an unlawful meeting, and all persons present are liable to a prosecu-

tion. Under this law, in the years 1839-40 and 1842-43, several hundreds of persons were convicted, and sentenced to various terms of imprisonment.

It is true that the people are often *permitted* by their masters to violate the law; but that is only so long as no practical result is likely to follow from their grumbling—so long as the efforts of the people's orators are weak, and manifestly ineffectual. And this enables our aristocratic newspapers to tell foreigners that we enjoy *free* discussion! And foreigners, not knowing that all this depends on sufferance, believe their statements. And then the speeches of foreigners in praise of our system are triumphantly quoted in our parliament.

Men of commanding talent and elevated position knowing that they might subject themselves to prosecution and disgrace, usually refrain from joining the popular cause, unless it happens to be supported by a powerful section of the aristocracy, which is sometimes the case when the question at issue is one of mere detail and of minor importance. The whig aristocracy have occasionally sided with popular demands, in order, by means of the popular voice, to eject their opponents from the ministerial benches, and on such occasions the law of sedition has been violated with impunity.

As to the *right of meeting to discuss grievances*, we have seen that meetings of more than fifty persons, debating societies, and reading rooms, are almost invariably illegal. The consequence of this is, that in most places the people are *afraid to express any but slavish political sentiments*. The tavern or public-house keeper, who permits a meeting of parliamentary reformers to be held in his house runs the risk of losing his license, for they can hardly discuss the subject of parliamentary reform without delivering seditious speeches. Any landed aristocrat, called a justice of the peace, may treat the innkeeper as a criminal if he allows any newspaper to be read in his house which tends to make people dissatisfied with the existing order of things. A justice of the peace may attend a political meeting, and order any speaker to be taken into custody if he speaks against the government, and may order the meeting immediately to disperse on pain of transportation.

As to the *right of bearing arms*.—Any person seen walking in step and learning to act together, may be arrested as criminals and transported.

The subject of English liberty is one which ought to be exposed fully. It is time for the people of this country and for the nations of Europe to be informed of the actual extent of the boasted liberty of Englishmen. The prevailing fallacy is productive of much positive mischief. Americans, French, Germans, and Italians, are electors and national guardsmen, whilst the British and Irish are treated as unfit to be freemen. Any danger is preferred to that of allowing the people to learn the use of arms; they are consequently as little to be feared as Hindoos, and the

defence of the country in case of invasion must be left to the standing army. We have at present an armed government and an unarmed people.

It will probably be remarked that the publication of this work shows that we believe that considerable latitude is *allowed* at the present moment to writers who complain of the existing system of government and society in England, whatever may be the laws in actual operation, restraining the right of associating for political purposes, holding public meetings, learning the use of arms, and so forth. That is perfectly true; and it is equally true that every political writer complaining of grievances in England must run a risk of being prosecuted. It remains to be seen whether the government (for all depends on its mere will and pleasure) will at this period revive the practice of prosecuting authors for the publication of statements of facts and arguments designed to make the people acquainted with the real state of public affairs in this country; although such statements and reasoning are put forth, in order that peaceable reforms may be effected to adapt our institutions to the spirit of the age.

It is true that if the common law, made by the judges before and during the reign of Henry VIII., is to be enforced at this day, as it has been within a few years past, it would not avail anything to urge, in answer to a criminal prosecution, that our object is simply to excite dissatisfaction against the existing state of things, in order that the evils complained of may be corrected in a legal and constitutional manner. If the old common law had been impartially enforced, all the men now holding the most exalted positions in England would have been convicted as criminals. That law is incompatible with modern civilisation—it was founded in the dark ages of despotism, when the house of commons had scarcely any existence, when freedom of discussion was utterly denied, and when the state of society was altogether different from what it is at the present time. And yet this law is daily held up *in terrorem*; it has an immense practical influence upon political agitation, and it is constantly treated in the courts as the law under which Englishmen live, and by which they are to regulate their conduct.

V.

The restraints lately imposed in France upon the right of associating and assembling for political purposes, and the restraints imposed upon the press, are calculated to greatly injure the cause of peace and order, and to defeat the very object of the framers of these odious laws, that object being to prevent violent assaults upon the republic while it is in its infancy. The government is weakened by such laws; for whilst, on the one hand, its enemies are deterred from making any public demonstrations, its friends are, on the other hand, disgusted and alienated, and

would be comparatively apathetic in resisting an attack upon the republic. These rigid laws have been borrowed from the English statute-book; but, happily, still fall short of the English precedent. In France, the press, even at the present moment (September, 1848), whilst Paris is in "a state of siege," is at liberty to discuss all the measures of the government, and all political questions, except that attacks upon the republican form of government are not permitted. This superfluous and utterly absurd exception, which must surely have been suggested by some enemy of the republic, is intended to be only temporary in its operation; whereas, in England, the permanent law of the kingdom declares any man to be a criminal who assails the monarchy, or writes or speaks against the government or any of the institutions of the country. The enemies of democracy in France could not have desired any better course than that pursued by the general assembly with respect to freedom of discussion—the cause of the republic has been endangered, the force of its example weakened, and all the leaders in this course of folly ruined in the estimation of the lovers of democracy throughout the world.

The blunder committed by the French statesmen on this occasion is of the same character as that of the Adams party, shortly after the formation of the constitution of the United States, fifty years ago, but much worse in degree. That party was so injudicious as to pass a stringent law against sedition; but the only effect of it was to utterly prostrate all who had taken a leading part in procuring its enactment. The same fate awaits the concoctors of the precious laws which now temporarily disgrace the French republic. They have perpetrated political suicide.

VI.

This sketch of the laws affecting the liberties of the people will not be complete without a brief notice of the restraints on religious liberty in these islands, and a few other topics. Religious discussion is illegal if the tenets of the established church be attacked. The law is not, although it may be, enforced to its full extent, but it is a common thing to prosecute persons for writing or publishing reasoning in opposition to the bible or the christian religion. A person who does not believe in a future state is not allowed to be a witness. Within the last six or seven years people have been committed to gaol for not attending church on Sundays. Apostacy and heresy are punishable under certain statutes, and so is the offence of speaking in derogation of the book of common prayer. By the act 9 & 10 Will. III., chapter 32, if any person educated in or having made profession of christianity shall deny the christian religion to be true, or the scriptures of divine authority, he may be imprisoned for three years. Any speech or writing in derogation of the established religion or any part of the scriptures, is blasphemy. Thus

the judges have decided that a denial of the Trinity is indictable. Some writers assert that the law sanctions fair and rational discussions; but this is a fallacy, for the discussion will most probably be held unfair and irrational by the persons composing the court and jury, whose religious opinions are not likely to accord with those of the party indicted. Besides, the law is directly opposed to religious freedom, and although it is true that an enlightened public opinion does in most cases prevent the enforcement of it, yet any person writing or speaking against the established religion, is a criminal, and may be dealt with accordingly.

VII.

So regardless is the law of the liberty of the citizen, that by virtue of requiring sureties for good behaviour, a magistrate may commit a man to prison for months or years according to his discretion, for being *suspected* of having committed, or being likely to commit, any thing which the law calls an offence; and the party so committed cannot traverse or refute the informations upon which he is charged, he cannot appeal to a regular court, nor can he claim the intervention of a jury. The magistrate may require sureties which it is impossible for the party to procure, and in default he is committed to prison. In Ireland a vagrant may, in default of finding securities for his good behaviour, be transported for seven years.* Cases are reported in the English newspapers in the summer of 1848, where persons were charged with being in possession of fire-arms for an unlawful purpose, or of which they could not give a satisfactory account, and thereupon were required to find sureties to keep the peace. These people were deprived of their liberty on the fiat of a justice of the peace, on the mere suspicion that the fire-arms might be intended to be used in some possible future insurrection. And yet it is pretended that, under the bill of rights, the English people have a right to bear arms!

According to the legal authorities, a man may be committed to gaol for not giving an account satisfactory to a magistrate of his means of living, or for being *suspected* of going to a house of ill fame. Hundreds of people are annually committed to gaol, and punished severely for being suspected characters; and further, a man may be incarcerated in a gaol for any length of time that a magistrate pleases, for speaking disrespectfully of a magistrate, though he be not at the time executing his office.

These magistrates, in whom such enormous powers are vested, it will be remembered, are the nominees of the crown, removable at pleasure, and are for the most part country esquires, and parsons holding rich livings, to which they have been presented by the aristocracy.

* Connelly's case, Galway Assizes, August, 1848.

Blackstone, and other courtly commentators on the constitution and laws of England, pretend to discover in them the perfection of human reason, and have the assurance to tell us that the *liberty of the subject is secure from aggression*, and that no man is punished except upon clear evidence, given publicly before a competent tribunal. This is a mere fiction.

By the laws of England, poverty is actually made a crime. To be without visible means of subsistence is a misdemeanor. The prisons are filled with unfortunate persons, whose only crime is poverty. If a poor person, having nowhere to lay his head, is obliged to sleep in the open air, he may be imprisoned and kept to hard labour for three months. Any person suspected of being willing or desirous to commit a felony may be thrust into a gaol, and subjected to the grossest indignities, by order of a landed aristocrat.

And yet, with these laws and this political system, Englishmen fill the world with their boasts of liberty. Let the truth be fully exposed and made known, and then we may hope to see some reformation.

The reform party should insist upon a repeal of all the existing laws affecting the rights of discussion and association, and should submit a bill defining sedition. The true character of the present law would then be displayed throughout the country, and all excuses and apologies for it refuted. The right to discuss all political questions, and to canvass the conduct of the government, should be expressly declared, and sedition should be defined to be the use of language calculated and designed to excite the people to resort to physical force as the instrument of political changes. Such a bill as this might, in the course of a short time, be carried into a law, and it would be productive of very beneficial results. Men who now abstain from political agitation in favour of the unrepresented classes, would come forward and exert themselves in the good cause. The laws having for their object the prevention of a cheap newspaper press should also be assailed by the liberal party with the utmost vigour, perseverance, and determination; for nothing is required to insure the speedy success of democratic principles but full, free, and ample discussion.

CHAPTER XXI.

THE PROSPECTS OF A REFORM IN THE CONSTITUTION OF GREAT BRITAIN AND IRELAND, AND THE PROBABLE CONSEQUENCES OF ITS POSTPONEMENT.

- I. Political parties described.
- II. Probable treatment of the Reform question by the Whigs—Difficulties likely to arise from Treaties with European Monarchs.
- III. Probable consequences of a war against liberal principles—The United States and the British provinces in America—French and American Navies—Necessity of Arming the People to resist Invasion—Consequences of this measure.
- IV. Necessity of immediately establishing popular Institutions in England—Probable consequences of the refusal of Parliamentary Reform.
- V. Ignorance on political subjects—Want of cheap Democratic Daily Newspapers, and other Democratic organs.
- VI. Character of English Newspapers—Their conduct with respect to recent events on the Continent—Their ignorance and misrepresentations on the subject of Democracy in America—Conduct of the Clergy—The Church service—Conduct of the Judges—The future progress of Democracy.

I.

The great political parties in the British empire are the whigs, the conservatives, the radicals, the chartists, and the advocates of the repeal of the union with Ireland. The latter have neglected the great question of parliamentary reform, and have failed to define the extent of the representation of the Irish people which they propose for the new Irish parliament.

The whigs have a majority of the members of the house of commons, but it does not follow that they have a majority of the middle classes, or even of the electors; for a very small number of the latter elect an overwhelming majority of the house. Ninety thousand men, most of whom are the dependents of the landed aristocracy, elect a majority of the so-called representatives of the people of Great Britain and Ireland.

The bulk of the middle class is radical, as may be learned from the fact that the radical weekly newspapers published in London, and circulated all over the country, are purchased by the middle class: the weekly metropolitan whig papers enjoy but a very slender circulation, and the conservative papers next to nothing.

The principal difference between the whigs and tories was formerly this:—The whigs were in favour of conceding a little reform; the tories were afraid of making any concession at all. The whigs were

disposed to invest a portion of the middle class with a little more political power, taking care, however, that the landed aristocracy should remain paramount. The tories dreaded any diminution of the power of the aristocracy, whilst the whigs held that the best way to secure that power was to make a little timely concession. The whigs were in favour of religious toleration, a little parliamentary reform, a little more economy in the public expenditure, a reform of the municipal institutions, the abolition of slavery, a little church reform, a little law reform, and so forth. The tories opposed all these innovations as long as possible. There is now but a slight difference between the leading whigs and tories. Both parties desire to preserve the present system of electing the house of commons, and the present system of taxation. Neither party cares much about law reform, the health of towns, or other matters of a subordinate character, which occasionally demand the attention of parliament.

A majority of the nobility, landed aristocracy, and clergy are tories; but there is a considerable minority of whigs and followers of Sir R. Peel amongst those classes. The latter party is not distinguishable from the whigs, but serves at present to keep up the conservative tendency of the whig government. The Peel party, however, may be considered as erratic; and it is not improbable that they will at some future period advocate some comprehensive plan of parliamentary reform, under the belief that, a great change being inevitable, they may as well assist in bringing it about.

The radicals are in favour of parliamentary reform, but do not generally support universal suffrage; they go for household suffrage, vote by ballot, equal electoral districts, and triennial elections; the abolition, or thorough reform, of the church establishment; a reform of the taxing system, national education, and economy, and retrenchment. They are in favour of the monarchy and house of lords—at least they say so in public. This party embraces a majority of the middle classes, and yet it cannot muster more than fifty or sixty votes in the house of commons.

The chartist party comprises a majority of the intelligent working men of England—the *élite* of the mechanics. They are in favour of parliamentary reform on a great scale, universal suffrage (every man of twenty-one years of age to vote), equal electoral districts, vote by ballot, annual elections, no property qualification for members, payment of members. These are the six points of the charter. There are not half a dozen members of the house of commons in favour of these views, and not one member of the house of lords.

From parliamentary reform, the chartists expect a different system of taxation, so that the burthen may be transferred chiefly to the shoulders of men of property; a system of gratuitous education, a more liberal relief of the poor law and church reform, &c. Many of them are op-

posed to monarchy and aristocracy, although they do not openly declare their sentiments. They do not favour communism, nor understand it; nor do they desire to break the national faith, or interfere with the right of private property, although some of their orators, in ignorance of the equalising effects of democratic laws and government, argue that it is necessary for the state to take possession of all the land of the country, and lease it out in small parcels, for short terms, to those who will pay the highest rent to the government. The proposition is, for the government to take the land from time to time, upon the decease of the present owners, paying their descendants its value by instalments, without interest. These teachers make very few converts. Some of the chartist orators have counselled an appeal to physical force, if moral force should be proved unavailing; but the vast majority of the chartists are aware that without the aid of the middle classes it is impossible to overturn the government, either by force or otherwise.

Most of the middle classes are opposed to universal suffrage, but are in favour of enfranchising all rate-payers. The truth is that the payment of the members is of more practical consequence than the difference between universal and household suffrage. The householders have as a class no interest different from those of the bachelors, lodgers, and others who are not householders; whereas unless members are paid for their services, the representation will be monopolised by the wealthy classes. Household suffrage and triennial parliaments would soon be succeeded by universal suffrage and annual parliaments.

II.

The whigs will probably, after being hard pressed, adopt some plan of parliamentary reform, but will struggle vigorously to confine the franchise to those persons who pay rates and taxes. The government proposes to extend the county franchise in Ireland to persons rated at £8 per year. The aristocracy will strive to prevent voting by ballot, so that their influence may be retained in the rural districts; and they will entirely object to equal electoral districts and the payment of members. Do what they may they can only raise a barrier of sand to the rise of the tide of democracy; the least measure of parliamentary reform will strengthen the reform party, and prepare the way for further changes. All experience proves that such will be the result, and it conforms to the most obvious reasoning.

It is possible that the whig government may refuse all concession, for the house of commons has but just been elected for its term of seven years, and no fear is entertained of a successful insurrection. But ministers should hardly feel perfectly assured that the government can, in the present position of affairs on the continent of Europe and in America, be safely carried on, with a highly discontented population. That the

people will become greatly discontented, if they are not so already, with the existing system of representation, can admit of no doubt. The English people can hardly bear to be told that although popular institutions have been obtained by Americans, Frenchmen, Germans, Italians, Swiss, Danes, and Hollanders, the English, like the people of Russia and Spain, are fit only to be governed by the aristocracy.

England has bound herself by treaties to keep the queen of Spain upon the throne; and there are treaties with other monarchs that may lead to great difficulties, and place the English people in direct antagonism to the spirit of the age. The altered state of affairs in Europe—the momentous events of yesterday, have virtually released England from these international engagements, by annihilating their very basis.

III.

If England is called upon to fulfil her treaties, and responds to that call, she will be embroiled with France and America. If England sustains the cause of falling monarchy on the continent, the proud Republics of France and America will fly to arms to resist and prostrate her. As a change of ministry may lead to an entire revolution in the foreign policy of this country, let us look at the probable results of this great collision of principles.

The people of the British North American colonies are now in the enjoyment of democratic institutions—the power of the crown is a mere shadow; the sympathies of those people are, of course, of a democratic character, and it cannot be expected that they would be very enthusiastic in favour of the crusade of the mother-country against liberty. The United States can raise hundreds of thousands of men fired with republican enthusiasm, to sweep the last vestige of monarchy from the North American continent. Looking at the position of the two parties, can it be doubted what would be the result of the contest? On the other hand we have the British colonists real democrats in principle; men who look with admiration upon the results of republican government amongst their immediate neighbours, whose superior condition is readily acknowledged. Suppose these colonists are called upon to range themselves under the standard of the crusaders against democracy, can we feel quite assured that the colonists would, whatever might be their duty under such circumstances, respond to the call?

What aid would the colonists derive from England, engaged, as she would be, in mortal conflict with France? The result would probably be the loss to England of all her American possessions. Lord Durham states, in his report to parliament, that when that event happens, England will be a second-rate power, and he is right. The United States will then be the first mercantile and naval power. They can increase their navy at will; the English sailors are always ready to serve in the

American navy, being better treated and better paid than they are when serving their native country. Speaking the same language as the Americans, and being of the same race, they feel no hesitation in throwing off their allegiance to the land of their birth, and transferring it to the land of their adoption. The maritime power of the United States is rapidly increasing. It should be observed, that already the steam marine of the lakes and rivers of America exceeds that of the whole world. Even before the loss of the colonies, England would find herself no match in a bad cause against France and the United States. Their united navies would rule the seas. England's only reliable ally would be Russia, and it cannot be denied that under such circumstances, this would be a very suitable alliance. It would be necessary to arm the people of Great Britain and Ireland to resist invasion, and this would be perfectly decisive of the questions of parliamentary reform and repeal of the union, if a great majority of the people should demand those measures; for the demands of an armed people could not be refused.

IV.

Nothing but the prompt adoption of more popular institutions in England can preserve her colonial dominion in America. Her colonists must not learn to look upon her as one of the last strongholds of the privileged classes in southern Europe. England must retain the respect of these colonists, instead of exciting their contempt and disgust, if she desires to continue the present connexion.

If England should lose her naval predominance, she would soon be deprived of the empire of India and Australia. Let the rulers and people of Great Britain and Ireland bestir themselves in time; it is at the present moment of vital importance to advance the cause of democracy, in order that great and irremediable evils may be avoided. The preservation of British greatness may depend on prompt, nay, immediate, action. The establishment of a republic in France, the advance of democracy in Germany and Italy, and the triumph of popular principles in British America, have completely changed the whole aspect of political affairs. The danger is imminent; a tory ministry may plunge the nation into a war against democracy; this may cause an invasion of Ireland by France, and an invasion of the British North American colonies by the United States, and the loss of both of these portions of the British empire. The British colonies in America can be permanently retained only by the establishment of a popular government in England, and the adoption of the federal principle, so that the colonies may be fairly represented, like the different States of the Union in the American congress.

Many recent events have contributed to endanger the future existence of the British empire, if the present system of government be persisted in. The British colonies in America have obtained democratic institu-

tions, and the popular party has just triumphed ; the United States have nearly a hundred thousand men lately enrolled for service in the Mexican war, and now ready and willing to serve against England, if she undertakes to assail democracy in France or elsewhere. The late famine in Ireland has called the attention of the world to the dreadful effects of long-continued bad government in that country ; the chartists have exposed the condition of the working classes ; and parliamentary reports and commissions have put forth statements calculated to raise the finger of scorn against England throughout the world ; the French revolution has made half Europe democratic, and has filled with fear the hearts of tyrants ; all the nations are making the discovery that the English government is in reality an oligarchy, notwithstanding its parade of the form of popular institutions.

Were there no other reasons for establishing democratic institutions in Great Britain, it would be sufficient that it is nearly impossible to continue the present system, and at the same time preserve the American colonies and keep peace with the great democratic powers of Europe and America, as the foreign policy of a ministry chosen by an aristocratic parliament is sure before long to be in direct opposition to the spirit of the age.

The refusal of parliamentary reform may precipitate a much more comprehensive reform of the constitution. It will soon be necessary to arm the people, and then the slightest accident may lead to the complete subversion of the whole of the existing system at one blow : indeed it might be doubted whether the cause of republicanism in England would not be advanced effectually by an absolute and obstinate refusal of the government to allow an amended representation of the people in the house of commons.

V.

The people of England, otherwise well informed, are in a deplorable state of ignorance on political subjects. This is mainly owing to the absence of a cheap newspaper press, and to the want of opportunities for exercising the rights and duties of freemen. Elections are infrequent, and but few persons participate in them ; political discussion is therefore comparatively rare. There is not a single daily newspaper in Great Britain of democratic principles ; and nearly all the papers are worse edited than they were six years ago. The cheapest cost threepence per day, and there is but one at that price. All the daily newspapers in England circulate about sixty thousand copies, being little more than the circulation in a single American city. The advocates of democracy may avail themselves of the power of the press to a much greater extent than they have hitherto. There is nothing to hinder the successful establishment of a cheap daily newspaper, on the American plan, for which a

small capital would suffice. The cost of an American daily paper is usually one penny, an English one would be two-pence, on account of the stamp. It should not contain parliamentary debates at length, but only an abstract, with explanations and comments. This would suit the great mass of readers better than the present expensive form of reporting the debates. There is no occasion for the latest stock-jobbing news, nor indeed for hardly any of the expensive matter which now fills the columns of the daily London press. But there is an immense mass of information deeply interesting to the working and middle classes, which is not to be found in the present daily press, and which could be obtained at very little cost. A daily democratic paper must be got up very cheaply, or it will fail; and it must be published like American newspapers, for the ordinary newsvenders would not only require more profit than the proprietors could afford to allow, but would also hinder and obstruct, rather than encourage, the circulation. It should contain a brief abstract and review of the political articles in the English daily press—the most important of European literature. It should expose the ignorance, inconsistency, and absurdity of the writers of those articles. The weekly press is affected by the tone of the daily: in a word, public opinion is formed by the opponents of the working classes.

In addition to the daily paper there should be a very cheap democratic paper published weekly, containing selections from the daily one. This could defy all competition, as it would be got up without expense, and circulated by the agents appointed to distribute the daily paper. Other means of diffusing sound political knowledge might also be easily found out and carried into effect. There is room for a cheap democratic monthly review of all the leading political literature, foreign and domestic. These various organs of information, with a few missionaries and lecturers, would soon effect a reformation in the public mind. There was formerly a duty of 4d. on each paper, besides a heavier duty on advertisements than is now levied. All newspapers are sent through the post free to every part of the kingdom.

VI.

The English newspapers are distinguished for the excellence of the type and paper, the fullness of their reports, and the wordiness of their political disquisitions. The leading articles of the *Times* may be taken as a sample of the latter; they are sonorous and striking; but full of clap-trap and nonsense; and the writers are profoundly indifferent to-day about the sentiments inculcated by themselves a month since. This is the general character of English newspaper leading articles; all sorts of questions are discussed, or rather trifled with, in a shallow, rattling style, full of bubbles and effervescence. The reader is grossly deceived who supposes that what an English newspaper advocates to-day it will sustain the day after to-morrow.

The conduct of the London press with respect to the late revolution in France has been distinguished for more than its ordinary share of ignorance, frivolity, misrepresentation, inconsistency, and folly. At one time the English people were told, that the French would elect monarchists to the general assembly, if, as was not likely to happen, any election at all was permitted. Then they were assured that none but *sans-culottes* would be elected; and then that there would be a bloody civil war, that would end in the re-establishment of monarchy. The editors know no more about democracy and the working of democratic institutions than the Cossacks of Russia.

The supply of work to a few thousands of men in Paris was treated as absurd by English journalists who had supported the like thing in Ireland the year before, and who were at the same moment advocating the right of the English labourer to be furnished with work by the state, under the act of Elizabeth. Moreover, at the same time, there was in England an immense number of persons receiving relief in the English workhouses, supported by public taxes. The interference by the provisional government with the hours of labour of certain operatives was denounced as a wild, unheard-of proceeding by the London newspapers, which had a few weeks before advocated the bill limiting the time of labour in English cotton, and certain other manufactories, to ten hours per day.

The refusal of the provisional government to allow all the funds to be withdrawn at once from the savings banks was proclaimed to be the most cruel repudiation. The idlest rumours were gravely circulated, and every trivial incident grossly exaggerated. A little temporary distress being felt in France (but which was nothing equal to that which England and Ireland were at the same time suffering), society was represented to be in a state of chaos. The mercantile and monetary derangements of Austria, Prussia, and all Germany and Italy, were passed over very quietly, because those countries had not been so audacious as to proclaim republics. But the destruction of despotic government in Austria, Prussia, and Italy, has been daily bewailed by the very papers which a few months ago denounced in unmeasured terms the evils of absolutism. Spain is now the object of especial admiration in the eyes of these leaders of British opinion.

There was hardly a man to be found in England who was not deceived by this mass of twaddle. If there had been one real democratic paper in London, none of this nonsense would have been published; the fear of exposure, sarcasm, and ridicule would have restrained these glib and silly tools of the aristocracy, who are continuing their exhibitions of folly every day, for want of such a censor. The leading English daily newspapers have completely succeeded in deceiving the people with respect to the operation of democratic institutions in the United States. Every petty

disturbance is exaggerated, every opportunity is taken to heap censure and obloquy upon the great pioneer Republic. Such have been the effects of this course of conduct, that many even of the chartist leaders speak against republicanism, and hardly any public speaker cares to advert to the United States as furnishing evidence of the beneficial results of popular representation. The idle and silly assertion, that whatever prosperity the Americans may enjoy is owing to the abundance of land, and not to their political institutions, seems to be current throughout the British community. The aristocratic press delights in talking about American slavery and repudiation; and, although the practical working of universal suffrage and annual elections has been displayed by the Americans to the world for more than half a century, the men calling themselves politicians in England, Lord Brougham, amongst the rest, supposed, until the late election took place in France, that, under universal suffrage, none but beggars and the very outcasts of society could be elected. Such is the reasoning, and such the extent of an English politician's information. The clergy are in the habit of dogmatising from the pulpit against republicanism, and the judges do the like from the bench. Every parish church is a stronghold of the aristocracy. Not only is implicit obedience to persons in authority proclaimed to be a religious duty, but the law requires a form of prayer, in which the congregation pray to the Almighty to sustain the monarchy and established church, and prevent sedition. This has a great influence over the public mind. The clergy are active politicians, and are nearly all rank Tories, opposed to all reform. They vote at elections, and the bishops sit in the house of lords.

Notwithstanding all this, the progress of democracy is by no means doubtful; a reform of the representation of the people in the house of commons cannot be postponed much longer; that will soon be followed by complete representation, of which we have elsewhere explained the inevitable consequences.

CHAPTER XXII.

THE TESTIMONY OF EUROPEAN WRITERS ON AMERICA.

- I. Uniformity of opinion on certain points—The opinion of the principal Continental Writers on the effects of the Democratic Institutions and Laws of America—Opinions of the principal English Writers on the same subject—De Tocqueville's "Democracy in America."
- II. "Domestic Manners of the Americans." By Mrs. Trollope.
- III. "Men and Manners in America." By the author of "Cyril Thornton." (Captain Hamilton).
- IV. "A Diary in America, with Remarks upon its Institutions." By Capt. Marryatt.

I.

All the writers upon America agree in testifying to the vast superiority of the Americans over the people of the old world in material comfort, intelligence, and independence.

De Tocqueville, Von Raumer, Chevalier, and a host of continental writers, attribute this to the effects of democratic institutions and laws; and there can be no doubt that their writings have powerfully contributed to bring about the recent glorious events in France, Germany, and Italy.

De Tocqueville's argument is, that democratic laws tend to promote the welfare of the greatest possible number, for they emanate from the majority of the citizens, who are subject to error, but look to their own advantage; that the laws of an aristocracy tend, on the contrary, to concentrate wealth and power in the hands of the minority. He says:—"It is no doubt of importance to the welfare of nations that they should be governed by men of talents and virtue, but it is perhaps still more important that the interests of those men should not differ from the interests of the community at large." . . . "In the legislation of England the good of the poor has been sacrificed to the advantage of the rich, and the rights of the majority to the privileges of the few. The consequence is, that England at the present day combines the extremes of fortune in the bosom of her society, and her perils and calamities are almost equal to her power and her renown." He shows the immense importance of a law of inheritance. "When framed in a particular manner, the law unites, draws together, and invests property and power in a few hands; and its tendency is clearly aristocratic. On opposite principles its action is still more rapid; it divides, distributes, and disperses both property and power."

Our principal English writers concur in this opinion; and all of them speak in glowing terms of the comfort and prosperity of the American people. We would especially refer to the works of Mr. Stuart, Miss Martineau, and Mr. Buckingham, which all deserve particular attention, as the writers were each several years engaged in their respective tours through the United States; and, although they of course fell into many errors which might be avoided by a resident, a great mass of valuable information and profound observations will amply repay the most careful perusal.

A few English authors have published works on the United States, for the avowed purpose of showing the evils of democracy. Passing over, then, the numerous works of European tourists which defend American democracy, and set forth its beneficial results, let us take a brief review of what is said by the principal anti-democratic writers on America.

II.

Domestic Manners of the Americans. By Mrs. Trollope.—We will first notice the witty and humorous work of Mrs. Trollope, who went to the United States in the year 1827, with a portion of her family, intending to settle there, being at that time, she says, somewhat inclined to radicalism. She disembarked at New Orleans, and her first impressions were received from the slave States. She proceeded to Cincinnati, in Ohio, and went to reside a little way in the country, in an unhealthy district, on the edge of a canal, where she caught fever and ague. She embarked in a building speculation, which failed, and she left the city a little more than two years after her arrival, returning home through the eastern States. In the preface to the fourth edition of her work, she assures the public that her chief object in writing was to show the evils of democracy, and she expresses the opinion that, if the leading English radicals would pass a few years in the United States, they would learn to fear democratic power, and even, although they might be dissenters, would desire the continuance of the English established church.

But her statements of matters of fact are not at all calculated to prejudice the cause of democracy, for although she ridicules very cleverly the queer manners of the people of the western country twenty years ago (when it was almost a wilderness), she speaks of their great prosperity; and although she charges the women with being fastidious and over-much religious, she admits their modesty and propriety of conduct. With respect to the fanaticism, which she at first supposed was occasioned by the want of an established church, she corrects that opinion in a note to a late edition, and says that she has seen as much fanaticism in England since her return. She greatly admired the north-eastern states, and speaks highly of the state of society there. She was delighted with New York, and asserts that she never saw a city more desirable as a

residence. She declares that the dwellings of the higher classes were extremely handsome and richly furnished, and that the society of the principal cities was remarkably good, and she praises the personal appearance of the Americans, both male and female. With respect to the literary attainments of the people, she admits in a note to the fifth edition, that all her criticisms must be confined to the western country as it was twenty years ago. As to the American political system, she acknowledges that the Americans are delighted with their government, and that it is quite adapted to them, although she suggests that it may not suit others. Why it would not suit others is not stated. It is certain, however, that the general prosperity described by her would suit exactly everywhere. For the most part Mrs. Trollope's testimony is far from being unfavourable to the Americans.

III.

Men and Manners in America. By the author of "Cyril Thornton."—The author of this work visited the United States in 1880. His object in publishing his work was to show that the institutions and experience of the United States did not afford safe precedent for British legislation. But his testimony upon matters of fact, so far from damaging the cause of democracy, is calculated to produce a totally different effect. Indeed, he has in many respects grossly exaggerated the blessings enjoyed by the American people. Thus, he asserts that the Americans are all in the enjoyment of competency; that no native American untainted by the curse of African descent will become a domestic servant; that it is unnecessary to give a prisoner anything on his discharge from an American gaol, "because the demand for labour is so great, that every man may at any time command employment."

He thinks that the Americans should not try to set up manufactures, and gives the following reasons for his opinion:—"Covering a vast extent of fertile territory, and advancing in wealth and population with a rapidity altogether unparalleled, it seems only necessary to the happiness and prosperity of this favoured people, that they should refrain from counteracting the beneficence of nature, and tranquilly enjoy the many blessings which she has placed within their reach."

He saw a few beggars, but believed they were foreigners. He admits that he had never travelled in any country where the materials of happiness were so widely and plentifully diffused as in the New England States. The great majority of the people, says he, of the United States are possessed of property. He thinks that universal suffrage ought not to prevail, but that there should be a property qualification for electors, because the man must be either idle or profligate, or more probably both, who does not, in a country where labour is so highly rewarded, obtain a qualification of that sort.

The means of subsistence, says he, are profusely spread everywhere, and the temptations to crime are comparatively small. "The western regions are undoubtedly the chosen abode of plenty. Provisions are so cheap, that no one seems to dream of economy." We may stop here to inquire in what respect have democratic institutions failed to produce the intended results, if we take our author's own testimony as true? To say that the law-makers are not genteel, would, if true, avail nothing. The great mass might well reply, we want legislation and government to be conducted so as to bring about and secure the welfare of the whole body of the people.

Captain Hamilton considers that American institutions are admirably adapted to Americans, but argues that their prosperity is exclusively owing to the great abundance of territory, and will cease when the country is fully occupied hundreds of years hence. If that were the real cause of American prosperity, let us ask why the people of Russia, of South America, and other thinly inhabited countries, are not as well conditioned as these prosperous republicans? Or to come nearer home, how does it happen that the British are not as prosperous, seeing that they have more unoccupied territory than the people of the United States? And why were not our people prosperous in olden times, when population was so scarce that the greatest anxiety was evinced to increase the numerical strength of the nation?

Captain Hamilton admits that the great mass of the American people receive a good education, that they are a moral and religious people, and remarkable for their benevolence. He admits that they have set an example to the world in their humane treatment of prisoners, and that justice is well administered except in some of the slave States. He points out the evils of slavery, and makes many remarks on the constitution of the United States and American politics, which he very imperfectly understood. He admits that Great Britain treated the colonies with tyranny and injustice, and points out the wretched condition of the poorer classes in England. How then has he advanced the object for which he wrote? He insists that the wealthier classes in America are usually not so refined as the aristocracy of England, and complains that ungentle persons are sometimes elected to fill high offices. At all events, they have more capacity for those offices than we find in English officials in general, for the latter are appointed chiefly if not entirely on account of their aristocratic connexions, and they are remarkable for offensive and insolent bearing. In England a noble master of the royal buck-hounds was lately appointed to be vice-president of the board of *trade*! Certainly American appointments are not of that character; men of talent are elected, and not mere men of supposed gentility.

IV.

A Diary in America, with Remarks upon its Institutions. By Captain Marryatt.—Captain Marryatt visited the United States in 1838, and published a book for the purpose, as he declares, of showing the evil consequences of democracy. And yet in more than one place he gives it as his deliberate opinion that democratic government is the best for America, as under that system it has made and will make the most rapid advances. With his views of the condition of the American people, it is astonishing that he should pretend to write against democracy. He is of opinion that poor-rates are unnecessary in America, as all can find employment. He defends slavery, and yet descants upon the bad education and poor condition of the white people of the slave States. He regards the western country, the valley of the Mississippi, as the most favoured part of the continent. His remarks are to the following effect :—The reports of the richness of the western country are by no means exaggerated. Many who are really well settled in the States of New York, Pennsylvania, and other fertile States, sell all and turn to the west. The State of Ohio alone is supposed to have added many more than a million to her population since the last census. The west is indeed the promised land, and that the whites should have been detained in the eastern states so long without a knowledge of the fertile soil beyond the Alleghanies, reminds you of the tarrying of the Jewish nation in the wilderness before they were permitted to take possession of their inheritance. In speaking of the future power of the west, he says that New Orleans will be the first maritime port in the universe, and Cincinnati will not only be the queen of the west, but queen of the western world. "One really is lost in admiration when one surveys this great and glorious western country, and contemplates the splendour and riches to which it must ultimately arrive."

Captain Marryatt makes the following remarks upon equality in the United States :—"In many points the Americans have, to a certain degree, arrived at that equality which they profess to covet, and in no one perhaps more than in the fair distribution of good looks among the women." "Neither the excess of misery, nor of luxury and refinement, is known; you have therefore a more equal distribution of good looks; and although you often meet with beautiful women, it is but rarely that you find one that may be termed ill-favoured." Captain Marryatt admits the superior chastity of American women, and he makes the following remarks upon the material prosperity of the people :—"In a town so newly raised that the stumps of the forest trees are not only still surrounding the houses, but remain standing in the cellars, you will find every luxury that can be required." He found in log-houses complete editions of Lord Byron's works. "Let the Ameri-

can direct his career to any goal he pleases, his energies are unshackled, and in the race the best man must win; there is room for all, and millions more. Let him choose his profession, his career is not checked or foiled by the excess of those who have already embarked in it. In every department there is an opening for talent; and for those inclined to work, work is always to be procured. You have no complaint in this country that every profession is so full that it is impossible to know what to do with your children. There is a vast field, and all may receive the reward due for their labour."

We do not concur in these statements, but beg leave to ask what Captain Marryatt can possibly have to say against the political institutions of a country under which, if we are to believe his testimony, such a state of things is to be found? His complaints are, that the people have acquired more power than they used to have; that candidates for public offices defer to public opinion; that in a country where there is no hereditary wealthy class, all the people are engaged in advancing their fortunes, and are therefore more sordid than the hereditary landowners of Britain, who, it may be here once more repeated, are able to keep up their importance by a vicious political system. His complaint in substance is, that shopkeepers and farmers have not the souls of great aristocrats, but actually devote a large part of their attention to trafficking; and he sighs for an hereditary aristocracy with high-sounding titles.

Captain Marryatt quotes largely from Lord Durham's report on the Canadas, where the condition of the Canadians is contrasted with that of their republican neighbours. His lordship states that the condition of the French Canadians has of late years been getting worse, which he attributes, and no doubt correctly so, to the want of a good system of government; and refers to "that amazing progress, and that great material prosperity, which every day's experience shows them (the Canadians) is the lot of the people of the United States." Captain Marryatt thinks that one great cause of the prosperity of the United States is the system of local self-government. No doubt he is quite correct in this opinion. A people who govern themselves will always become, and continue, intelligent, vigilant, and prosperous; whilst those who are governed by a favoured class will be poor and stupid.

The system of local self-government is part of the great system of democracy; and, if one part of it is found to be so efficacious as Captain Marryatt admits it to be, may not the same system in other respects contribute largely to that prosperity which Captain Marryatt has endeavoured to account for, by attributing it to the abundance of land? There is an abundance of land in every kingdom in Europe for the use of the present population.

CHAPTER XXIII.

THE TESTIMONY OF EUROPEAN WRITERS ON AMERICA—
(continued).

- I. Mr. Charles Dickens' Notes on America.
- II. "Travels in North America, in the years 1841-42." By C. Lyell, Esq.
- III. Miss Martineau's Works on America.
- IV. "Three Years in North America." By J. Stuart, Esq.
- V. "America—Historical, Statistic, and Descriptive." By J. S. Buckingham, Esq.
- VI. "Hochelaga; or, England in the New World." Edited by the author of "The Crescent and the Cross."
- VII. Vast importance of the Question as to the effect of Democratic Institutions—Extension of American Principles—Necessity for studying the Great Problem.

I.

Mr. Charles Dickens' Notes on America.—Mr. Dickens was a short time in the United States, in the year 1842. He saw much to admire in the free States, but speaks severely of slavery and the slave States. Boston, he says, is a beautiful city; the private dwellings are for the most part large and elegant, the shops extremely good, and the public buildings handsome. "The public institutions and charities of Boston are as nearly perfect as the most considerate wisdom, benevolence, and humanity can make them." He considers that America has set an example to other countries on the subject of prison discipline. It is true that some of the States have done so. We regard the praise of the Boston public institutions and charities as exaggerated.

Mr. Dickens saw no beggars even in New York city. He visited Lowell, the American Manchester. The factory girls looked healthy, and were well dressed. The rooms in which they worked were well ordered. They reside at various boarding-houses, which are under the control of the mill-owners. In a great many of these boarding-houses there is a joint-stock piano. Nearly all the girls subscribe to circulating libraries; and they have got up among themselves a periodical, called *The Lowell Offering*; "a repository of original articles, written exclusively by females actively employed in the mills." It will, he thinks, compare advantageously with a great many English annuals.

Let us stop here for a moment to inquire how this state of things can be ascribed to the abundance of land. As well might we attribute the education of the people and the splendid system of administering justice to that circumstance.

Mr. Dickens says he was informed that on the occasion of a visit from

one of the presidents, he walked through three miles and a half of these young ladies, at Lowell, all dressed out with parasols and silk stockings. These girls are often the daughters of small farmers, and come from other States, remain a few years in the mills, and then go home for good.

Speaking of the New England States, he says that every little colony of houses has its church and school-house. All the buildings looked new. Philadelphia and Cincinnati are described as very beautiful cities. The incidents of travel are humourously detailed, and the sturdy independence of the people is particularly noticed. Mr. Dickens went to the president's levee. He says that the company comprehended many grades and classes, but the utmost decorum and propriety of behaviour prevailed. The republican institutions of America, says he, undoubtedly lead the people to assert their self-respect and their equality. With respect to religion, he does not think that there is more fanaticism than in England. He thinks that American literature should be protected by a copyright law. He found that literary men were highly esteemed. He says that Washington Irving was more caressed whilst he (Mr. Dickens) was at Washington than any great politician would have been in the same circle. He denounces some of the political newspapers for their violence and personal abuse, which, in our opinion, he has greatly exaggerated. With respect to the administration of justice, Mr. Dickens speaks favourably. He contrasts the behaviour of American counsel with that insolent bearing and language so frequent in the English courts of law among the profession.

He greatly liked what he saw of society in Boston, New York, Philadelphia, and Cincinnati. He says that the ladies are singularly beautiful, and that the tone of society is one of perfect politeness, courtesy, and good breeding. But he censures the common practice of chewing tobacco, and the custom of hastily swallowing food. His book gave great offence to the people of the slave States, as he denounced the institution of slavery in unmeasured terms; and the newspaper editors nearly all over the country were offended at his remarks on the press.

But we regard the testimony of Mr. Dickens as corroborative of that of other writers, in proving the successful results of democratic government in all really essential particulars.

II.

Travels in North America, in the years 1841-42. By C. Lyell, Esq.—Mr. Lyell, the geologist, was in the United States in 1842, and he has published an account of his geological tour, interspersed with general observations on the state of society.

He defends slavery to some extent, declares himself opposed to the universal suffrage which prevails in most of the States, but admits that in consequence of it the rich are made anxious to secure the education

of the poor. He says that the New England States prove that universal suffrage is not incompatible with good government, but he is opposed to its introduction into England.

We quote some of his remarks on the general condition of the people: "Here, instead of dwelling on the past and on the signs of pomp and grandeur which have vanished, the mind is filled with images of coming power and splendour. The vast stride by one generation in a brief moment of time naturally disposes us to magnify and exaggerate the rapid rate of future improvement. The contemplation of so much prosperity, such entire absence of want and poverty, so many school-houses and churches rising everywhere in the woods, and such a general desire of education, with the consciousness that a great continent lies beyond, which has still to be appropriated, fills the traveller with cheering thoughts and sanguine hopes."

In another place, he says:—"We have now seen the two largest cities, many towns and villages, besides some of the back settlements of New York and the New England States; an exemplification, I am told, of a population amounting to about five millions of souls. We have met with no beggars, witnessed no signs of want, but everywhere the most unequivocal proofs of prosperity, and rapid progress in agriculture, commerce, and great public works."

He supposes this prosperity to be occasioned by the abundance of unoccupied land, and not to be the result of a democratic, as compared with a monarchical or aristocratic constitution, nor the fruit of an absolute equality of religious sects, still less of universal suffrage. And yet he admits that other laws and institutions might have marred the natural advantages enjoyed by the Americans. *Undoubtedly English institutions would have had that effect*; they would have created a few great landowners, and invested them with the government. These aristocrats would have been in favour of a lavish expenditure, the means of which would have been extracted from the labouring classes. A splendid court would have been set up; the people would have been kept in ignorance, and, for the want of due exercise in the rights of freemen, would have been a dull, stupid race, wanting the necessary energy and intellect to subdue and improve a new country. The transfer and division of land, so far from being facilitated, would have been obstructed; and the laws being made to keep up a few great families, the country would have been covered with a race of landless labourers and servants, and humble lick-spittle tradesmen and toadies.

Mr. Lyell explains the system of public education in Massachusetts. The law ordains that every district containing fifty families shall maintain one school, for the support of which the inhabitants are required to tax themselves, and to appoint committees annually for managing the funds, and choosing their own schoolmasters. The Bible is allowed to

be read in all, and is actually read in nearly all the schools; but the law prohibits the use of books calculated to favour the tenets of any particular sect of Christians. In Boston alone, £30,000 per year is paid for public instruction.

He speaks highly of the universities of New England, and compares at great length Harvard College with Oxford and Cambridge, showing the inferiority of both of the latter.

With respect to religion in the United States, Mr. Lyell thought the preaching good, and found two great advantages at least in the voluntary principle—first, that the ministers are in no danger of going to sleep; and, secondly, that they concern themselves much less with politics than is the case in England. He says that the men are as regular in their attendance at church as the women; and that the rapidity with which new churches spring up in the wilderness is probably without example elsewhere.

It may be well in this place to refer briefly to the testimony of the Rev. Mr. Fidler, an English clergyman, who went to New York in the year 1832, with the intention of settling there, and pursuing his profession, but who became dissatisfied, and proceeded to Canada. He states that the churches of New York were well attended, by males as well as females. He never saw in the behaviour, nor heard in the discourse, of an American, a word or action morally improper. He never saw any women conduct themselves indiscreetly. He speaks highly of the episcopal church in the State of New York, and says that he admires the American clergy and their church government.

We will now add a few words respecting the tone of some of the leading writers, distinguished for being more or less favourable to democratic institutions.

III.

Miss Martineau's Works on America.—Miss Martineau was in the United States two or three years. She observes that, with the exception of foreign paupers on the sea-board, and the licentious, there are no poor. She tells us that she was much struck, on her arrival in the United States, at the absence of poverty, ignorance, servility, and insolence; that every man in the towns is an independent citizen, and every man in the country is a landowner. She is opposed to any law for the relief of the poor, as being altogether unnecessary. She says that the mechanics of the northern States are the most favoured class she ever knew, and that the nation must look to them for public and private virtue. She does not speak favourably of the condition and character of the people of the slave States.

It must not be assumed that, in making these quotations, we express our concurrence in the opinions given by the various writers, which are

referred to merely for the purpose of showing what is the testimony of European tourists; our own opinions will be found in other parts of this work. It must be borne in mind that they were only travellers through the country, and were therefore liable to fall into many mistakes. Besides which, they have usually published their journals without sufficient care to avoid inconsistent statements; and they almost universally speak of "the Americans," the whole population of the United States, as if they formed one people. Writing in New England, they pronounce "the Americans" to be religious, industrious, temperate, orderly, and well-conditioned; but, when writing in the slave States, "the Americans" are described very differently. The truth is, that there is a distinction between the people of the various States, caused by the differences of origin, climate, institutions, and pursuits.

IV.

Three Years in North America. By James Stuart, Esq.—Mr. Stuart spent three years in the United States, from August, 1828. After traversing the State of New York and other northern States, and visiting Baltimore, Washington, Philadelphia, and various other places, he writes:—"We have not hitherto, during the whole of our journey, seen anything like a poor man's house, or a beggar, or any one who did not seem to be well clothed and fed." . . . "Such a thing as a human being walking anywhere on the public roads out of the villages is rarely seen. The earnings of the labourers enable them to travel in the stages, and the custom of the country is for all to ride in some sort of a carriage.

He says that in Pennsylvania every farmer keeps his own comfortable open carriage. "The Americans have peaches, melons, apples, strawberries, and cherries, all of excellent quality, and in such abundance, that there is not a single individual in the whole country, even the very shoe-black, whose funds do not enable him to have as much of these fruits as he likes, at the proper season."

The alleged absence of crime in America is particularly insisted upon by Mr. Stuart, and the high moral character of the people of the free States. "The great mass of the people of the United States are so much better educated, so much better informed, and possess so much better manners, so much more self-possession and ease, that it is absolutely ludicrous to compare the people of Great Britain with them in these respects." He quotes Washington Irving, who says, "All the writers of England united, if we could for a moment suppose their great minds stooping to so unworthy a combination, could not conceal our rapidly-growing importance and matchless prosperity. They could not conceal that these are owing not merely to physical and local, but also to moral causes—to the political liberty—the general diffusion of knowledge—the prevalence of sound moral and religious principles."

Mr. Stuart comments on the great amount of crime in England, and deplores the wretched condition of the poor, and the prevalence of immorality amongst the female population. He declares that in scarcely any of the American cities is there any appearance of women of light character upon the public streets, either by day or night.

He is in favour of universal suffrage, and contends that, in the United States, rank, respect, and consideration are given to talent alone, and to high office, which can only be obtained by the display of talent and industry. He thinks that business is conducted in the American congress in a more dignified manner, because with far greater attention to order and decorum than in the British house of commons.

Mr. Stuart vigorously defends the Americans from most of the charges brought against them by hostile English writers, and exposes the despotic character of the British government, the ignorance and bigotry of British statesmen, and the awful consequences of British misrule; but he acknowledges the pernicious effects of slavery upon the character and condition of the free people of the slave States.

V.

America—Historical, Statistical, and Descriptive. By J. S. Buckingham, Esq.—Mr. Buckingham, the great traveller, was three years in the United States and the British possessions in North America, from 1837 to 1840, and has published a work on those countries, in nine volumes. It is open to the criticism before adverted to, but is highly amusing and instructive. He insists that the Americans are very superior to the English in their mental, moral, and physical condition. A careful examination of the whole of the work, however, will show that this praise is to be confined to the older free States. With respect to those States, his principal remarks are to the following effect:—The people are better educated and better behaved, are more benevolent, and the women are more chaste than the English. The voluntary system has succeeded admirably in securing a body of clergy more learned and zealous than the English clergy. The American churches are more numerous and more comfortable than the English, and the music and singing are infinitely superior. The American military and naval forces are superior to the English in quality. American shipping is far beyond the English. American manufactures will soon excel the English, and drive them from the markets of the world. Justice is promptly and efficiently administered, at a cheap rate, forming a complete contrast to the virtual denial of justice in England to the poorer classes. The appalling scenes of profligacy in England are dwelt upon. The condition of poor agricultural labourers in England, with no education themselves, and no desire to procure any for their children, is particularly contrasted with the condition of the labouring classes in America. Reference is made to the

horrible details of oppressive labour, cruel treatment, lingering suffering, and premature death of women and children in the mines of Great Britain, and the unparalleled depravity in the great manufacturing towns.

Mr. Buckingham speaks of the absence of a large standing army, used for the purpose of overawing the people, and maintained by the labours of those they are called on to guard,—the absence of tithes, oppressive taxes, and an overbearing aristocracy. He admires the constitution and government of America, and shows the great advantages derived from democratic institutions, to which he attributes the superior condition of the people, especially of the free States. He denounces slavery, and shows its ruinous effects.

VI.

Hochelaga; or, England in the New World. Edited by the author of "The Crescent and the Cross."—This is the last work published on America. The author is no friend to republican institutions; but it will be seen that even the enemies of those institutions state facts conclusively establishing the triumphant success of democracy.

The author of "Hochelaga," speaking of his journey through New York, says:—"Through all these districts the stranger is astonished at the appearance of prosperity in every place and person he sees—no bad or even small houses; no poor or idle people." He thinks that the Americans "all consist of one class, nearly equal in mental qualifications; their pursuit is a common one; wealth is to them what the means of subsistence are to man in his primitive state—the only object. Boundless territory and inexhaustible resources place this wealth within the reach of all." He prophesies that in the valley of the Mississippi "lies the future dwelling of a greater people than the world has yet seen." . . . "Most of the present generation among us have been brought up and lived in the idea that England is supreme in the congress of nations. I am one of that numerous class—long may it be a numerous one!—but I say with sorrow that a doubt crosses my mind, and something more than a doubt, that this giant son will soon tread on his parent's heels. The power of both increases rapidly in a geometric series, but with different multipliers. The merchant navy of the British islands has doubled since the war, that of America has trebled; the population of the former has increased by one half in the same period, the latter has doubled; the former has an immense superiority, both by land and sea, in war establishments, but the latter has the *materiel* for their formation to any extent; the former has a colonial population alone of more than one hundred millions more than the latter is likely to possess altogether for many years; but this vast number is made up of varied races, the great majority of them merely the subjects of military conquests, with no common bond of interest or feeling but that of the safety of submission,

and the sense of England's pre-eminence ; the population of the latter is homogeneous (with the exception of the portion of the negro race), possessing Anglo-Saxon courage and perseverance, spurred on by the frantle energy given by republican institutions ; rich in the endless resources of a country producing nearly everything necessary for the use and luxury of man, assisted by the many wonderful means of internal communication bestowed by nature, or created by art. There is just enough of difference between our two nations to make their manners and institutions harmonious, and just enough resemblance to give the Americans most of the elements of our strength. They already approach to a rivalry in commerce and manufactures ; their soil and abundant territory have enabled them to beat us completely in agricultural produce. Our pursuits are so similar, that I much fear, sooner or later, they must clash. We have not yet begun to regard them with sufficient attention, but they watch us narrowly and jealously." He adds, that the Americans "only wait for matured power to apply the incendiary torch of republicanism to the nations of Europe. No one can deny that their specious promises of equality, backed by the example of the prosperity and independence of the masses on their own fertile soil, will have a most disquieting effect upon the minds of the lower classes in the old monarchies." . . . "Kings and nobles, the law and institutions of Europe, are perpetually held up to the people as objects of hatred and contempt. They sum up all the darkest feelings of the human mind, place them in a mean and feeble body, actuate it by low, selfish, and sensual motives, and, when the picture is complete, they place a crown or coronet upon the head. But too often even the pulpit is made a means of spreading these ideas. With a more than jesuitical perseverance, all this is instilled into the minds of their youth ; their spelling-books, their histories, the press, and the pulpit, confirm these impressions ; and the young American is ready to go forth to the world to spread his political faith with fire and sword."

VII.

The greatest question of the day is, What is the effect of democratic institutions upon the welfare of society ? If it be true that the Americans excel all others in energy, intelligence, and prosperity, the effect of their example will soon be irresistible in England, especially as the communication by means of steam is daily becoming facilitated. It is true that the Americans are great propagandists, and it is clear that their precepts and example have been effectual in a great portion of Europe.

The following extract from a speech delivered by President Polk, at Augusta, in the State of Maine, in the month of July, 1847, is a fair specimen of American opinion, which, be it remembered, is constantly propagated in every newspaper in every town, village, and hamlet in the United States :—"By the aid of steam, we are already brought into the close

neighbourhood of Europe, and foreign communities are beginning to feel the influence of our system, and to receive from us liberal and enlightened views. Animated by our example, and the successful working of our government, the suffering and oppressed people of the old world begin now to understand their own rights, and to claim the enjoyment, as we enjoy them, of freedom of thought, of freedom of speech, and freedom of conscience. This lesson has been recently forced upon them with peculiar power, and the same ships which have borne to the starving millions abroad the plenteous supplies of our abundant harvest, have carried to them at the same time the glad tidings of our freedom, prosperity, and glory. They see us, as it were, the favoured people of God, covered with plenty, and rejoicing in happiness, and their hearts yearn for the same great blessings which, in our country, spring from the constitution, and are hallowed by the Union."

It has been eloquently observed by Mr. Grund, a gentleman whose writings on the United States have done especial service in Germany, the land of his birth, that America is the representative of a doctrine which is fast gaining ground throughout the civilised world. It has made her cause the cause of humanity, and her success the triumph of reason over ignorance and prejudices.

"These political doctrines of America have become the religion and confession of the people of all countries; like the truths of christianity, they have had their apostles and their martyrs, and like those truths they are destined to become the universal faith of mankind." Without its institutions, the resources of the country would not yet be developed.

The people of Europe should study more attentively than they have hitherto done the new world, with its new institutions. To be ignorant of the real character of democracy, and its effects upon the social condition of the people, is to be ignorant of that which most concerns mankind; and, to any one pretending to have the slightest acquaintance with politics, is quite unpardonable.

In making the foregoing observations on the laws and governments of the United States, and contrasting them with the institutions of our native country, we have restrained ourselves from going into details which, although they would have made the work more complete, would have had the effect of increasing its bulk and expense, and thus preventing it from being adapted to the perusal of a large class of persons, for whose use our remarks are especially designed. We trust that, when the subject shall have attracted the general attention due to it, the task which we have undertaken may be completed by more able hands.

CHAPTER XXIV.

THE MISSION OF DEMOCRACY.

- I. Object of this enquiry—What Social Changes will result from Democracy—How these changes will be effected—Origin of the present system of Society—Why it has continued—Its prominent evils.
- II. Evils remaining untouched by Democratic Institutions—What is necessary to make Man virtuous and happy, and cherish mutual affection.
- III. The source of all debasing passions—Evils of the present state of Society detailed.
- IV. Description of the existing Social System of France, by M. Louis Blanc—The evils of Excessive Competition.
- V. Review of the Speech of M. Thiers, on the Right of Labour, and in defence of the present Social System—Advantages derived by the Working Classes from Improved Machinery—Respect due to Legal Governments.
- VI. The question whether the Poor should be left to starve—The English Law—M. Thiers' views on this subject, and on Liberty, the foundations of Society, &c.—Absolute necessity of a Poor Law in France.
- VII. Criticism of M. Thiers' opinions on the Foundations of Society.
- VIII. The government of a well-organised Society, defined and contrasted with M. Thiers's theory—M. Thiers on God's promise that the labourer shall be rewarded for his toil—True criterion of the Prosperity of a Country contrasted with M. Thiers's criterion—His popularity with the English Tories.

I.

It is the mission of democracy to introduce an entirely new system of society, in which mankind will advance to a state of real, instead of nominal, liberty, equality, and fraternity. The parallel between the institutions, civil and religious, of America and England, which has just been concluded, is not of itself sufficient to exhaust the subject involved in the inquiry; our task would be incomplete, if we confined ourselves to a comparison between things which are co-existent, without speculating upon the future. We therefore shall address ourselves to that great department of the subject, in order, on the one hand, to encourage reformers, and, on the other, to prevent inconsiderate and delusive efforts to precipitate a change involving the destiny of the human race, which, although it is inevitable, must still be gradual.

Thus far in this investigation we have shown not only that the opinion generally entertained in Europe, that the condition of the people of America is owing to the sparseness of the population, and the abundance of land, is erroneous; but also that their prosperity is solely to be attributed to the excellent constitution and laws which emanate from popular representation and government. We have likewise disposed of the prediction resting upon the fallacy, that when America becomes densely

populated, Americans, like the people of the old world, will supersede their democratic by aristocratic and monarchical institutions. The error and the inference fall together. Taking it to have been demonstrated that the people of the United States, who enjoy the benefit of an admirable democratic system, will continue to improve it, instead of lapsing into barbarism, we proceed to inquire what are the evils still to be removed from society, and to present the facts and reasons upon which we predict the course of its improvement. Even under democratic institutions, the improvement of the human race will be gradual, for that is the indispensable condition of all permanent and glorious results. It is the fixed original condition upon which the body of man matures, amidst delays so long and anxious, and by which his spiritual part expands from day to day, and year to year, from its chrysalis state to its most noble and beautiful proportions. Let none, therefore, repine against the order of nature. Let all seek to examine, however, and understand their destiny. When political self-government shall have produced its wonted result, by transforming the people from servile and ignorant subjects into comparatively intelligent, high-spirited, and prosperous citizens, they will very soon adopt measures still further to equalise conditions, and to increase the happiness of society by a better organisation. For such a change, events are preparing the way in the United States. Thousands of the most intelligent citizens are inquiring, discussing, developing, and enforcing plans of social improvement; and proselytes of the proposed melioration are becoming daily more numerous and powerful.

As our descendants will be made greatly superior to ourselves by the acknowledgment and spread of democratic principles, although we may not be able to get beyond the first stage in the great journey of social reform, the next generation will advance with much more rapid strides towards the establishment of an entirely new social system, under which the Christian precept "All things whatsoever ye would that men should do unto you, do ye even so unto them," will have a familiar verification.

Before entering upon the proposed investigation, it will be necessary for us to prepare ourselves for the reception of the truth by regarding for a moment the origin of the present, which is the ancient form of society. Like our political system, to which it is related by a common origin and character, it was founded upon conquest, and asserted that supremacy by the sword, which it still upholds by the same means, and by the force of habit and custom, without regard to its merits or demerits. The feudal baron originally held sway for every purpose over a subordinated community, and feudalism is to this day impressed upon society not less than upon the soil itself. A few persons enjoy the comforts and luxuries of life, and they monopolise the land, while misery and destitution pervade the mass of the people. It is not therefore probable that a social system so originating and having such consequences, can be sound, or that it

should stand the test of impartial examination. If it be asked why its evils have not been amended, or at least exposed, at an earlier period, there is a twofold answer. In the first place, the evils of society have been the subject of complaint and remonstrance for ages, from the sages and philanthropists whose indignant protest has wedded itself to immortal strains of argument and eloquence. But the second answer is conclusive if the first were wanting. Men only yesterday awakened to the knowledge of themselves and of their rights, interests, and duty. It is but three score years ago that a new community on the other side of the Atlantic recognised the fundamental right of the people to appoint their own rulers to office and to remove them from office, as well as that other invaluable right of every citizen to be chosen to any, even the very highest, office in the gift of all. It was but yesterday our eyes saw the luminous political example of America followed by a procession of all the enlightened countries on the continent of Europe, under the lead of Republican France. And now is the time at last, when, having secured the first great step in the movement onward and upward, we are to engage ourselves in consolidating that invaluable possession, and also begin to extend our vision to the ultimate object of a social revolution.

We should, after having been so long occupied by subordinate objects and inferior pursuits, mark a new era in history by creating the *art of society*, which with the *art of government* will achieve and consolidate the terrestrial happiness of man. In the present organisation of society the greater part live only to supply pleasures for the few, and the few have neither disposition nor capacity for enjoyment. Without any reference to merit or demerit, we see that even in the best governed countries, all the members are the sport of accidents of birth or fortune, and the means of happiness are so fruitlessly distributed that neither the rich nor the poor are happy. The existence of the former is made wretched by his indolence and self-indulgence, while the latter is still more miserable because he is condemned to eternal drudgery and poverty, working but to live and living but to work.

II.

It will be perceived at a glance that even after the establishment of democratic republican institutions, the social system will labour under great evils, springing mainly from the principle of competition.

Under the present social system, however, politically constituted nations would be afflicted by famines, because that principle would be interfered with, if the government purchased and hoarded up food for sale, in times of scarcity. Under the present system, the relation of master and servant must continue, and the introduction of new machinery must constantly work the ruin of thousands of artisans and their families. Under the present system, all kinds of crimes, drunkenness and excesses

of every description will continue; poverty will prevent millions from entering into the state of matrimony; and the same cause will necessarily produce a vast number of prostitutes. Under the present system men must continue to prey upon one another, and to depend for their success in life upon the failure of their neighbours. And finally, fraud, lying, and deceit must continue to prevail throughout all classes of the community.

The following eloquent exposure of the existing system is abstracted from the works of celebrated authors:—

Man will never be in an eminent degree virtuous and happy till each man shall possess that just portion of distinction to which he is entitled by his personal merits. Man will never strive to be truly noble while wealth is the fountain of honour. The dissolution of this inequality is equally the interest of the oppressor and the oppressed; the one will be delivered from the listlessness of tyranny, and the other from the brutalisation of servitude.

A happy state of society will cherish mutual affection.—Happiness has the principal share in the development of our social affections. To be happy, a man must necessarily be surrounded by objects of love; whether animate or inanimate, he loves all things which give him pleasure; therefore we have but to place him in that situation in which he can give and receive pleasure, to make him and the whole race happy, loving, and kind.

Are not the kindly affections more visible among the middling classes than among the poor and miserable? and do not scenes of violence and cruelty belong almost exclusively to the latter class? Undoubtedly so; and the reason is plain—they are badly situated for imparting pleasure to each other. Bad temper, whether in man, woman, or child, is nothing more or less than the revenge of unpleasant sensations. That miserable want suppresses or annihilates the social sympathies in its victims, is undeniably true: hence the great indifference which those suffering under its absolute dominion evince for the suffering or pain of others. It is well known that in cases of famine the benevolent affections are rarely exemplified in the sufferers by it,—that even the last tie of nature will give way, and the parent devour its offspring. Like all other animals, when pressed by an insufficient supply of food, man becomes cruel and bloody; and his temper grows mild, and his propensities gentle, in proportion as his pleasures predominate over his pains.

A community suffering under the pressure of physical want becomes regardless of moral and intellectual culture. General pinching and privation engenders general selfishness, the more liberal arts and sciences become neglected, and benevolence and philanthropy become lost sight of in the scramble for animal subsistence. Mr. Hume, in one of his

essays, alludes to the deteriorating effect of misery on individual character. A prosperous man will be found more accessible to virtuous emotions than one who has been soured by want and disappointment, whereas, narratives of shipwrecks, of the plague, the history of the French campaign in Russia, and traits of character exhibited in our Peninsular wars, testify how the noblest natures may be subdued by the constant pressure of cold, hunger, and fatigue, and rendered callous to every claim except that of self-relief and preservation. Extreme privation, says Mr. Wade, stupifies the understanding; it destroys the mental reflection which induces a person to deny himself an immediate but perishable relief, for the sake of a future and less perishable advantage.

Our romance writers are fond of painting heroes in poverty, and emblazoning their virtues in rainbow colours; but we do not read the history of man in romance. The virtuous man in easy circumstances is a peaceable, innocent member of society, a good husband, a kind parent, a just master, respected by his neighbours in life, and regretted by his friends at death. He has had *the leisure to be good*. Our beau ideals are generally gentlemen in easy circumstances; their means may be small or great, the difference matters exceedingly little for the poetry of the case, but they must not be negociants, they must not be busy men. They are quiet, easy philosophers, book men and closet men, and perhaps praying and preaching men, who take their sober walks on a morning or evening at a regular hour, and a regular steady pace, with both hands behind their backs, and their umbrellas between them, with large goloshes to keep their feet warm, and spatterdashes to keep their legs warm, and spencers to keep their chests warm. These are the men for the biographers of virtue. These form the happiest specimens. And what does this teach us? namely, that if society were so constructed that men could be easy in external circumstances, and have an opportunity of developing their real being, there would be far more innocence and virtue in the world than now, when virtue is actually driven out of a man by force, when his soul is besieged like a walled city, and in defending himself from the temptations without, he is corrupting himself and others by the wretched manoeuvres he is obliged to make in his own behalf. In short, man is demonised by misery. Let us then relieve him from all solicitude concerning his own welfare, and put him in comfort, and he will infallibly seek as his greatest pleasure how to benefit and please every being around him."

III.

"The source of all debasing passions consists in one man's possessing in abundance that of which another man is destitute. The spirit of oppression, the spirit of servility, and the spirit of fraud, are the immediate growth of the established system of property. The other vices of

envy, malice, and revenge, are their inseparable companions. In a state of society where men lived in a state of plenty, and where all shared alike the bounties of nature and the produce of art, these sentiments would naturally expire. It is only by the jostlings of equality that we can form a just idea of ourselves, or conduct ourselves justly. Property brings home a servile and truckling spirit by no circuitous method to every house in the nation. Observe the pauper fawning with abject vileness upon his rich benefactor, and speechless with gratitude for having received that which any just man might claim with an erect mien, and with a consciousness that his claim was irresistible. Observe the servants that follow in a rich man's train, watchful of his looks, anticipating his commands, not daring to reply to his insolence, all their time and their efforts under the direction of his caprice."

As to shopkeepers,—“excessive attention to business, in other words, to quackery, cheating, and mutual robbery, has destroyed all the virtue and dignity of their nature, and has left nothing instead but brag and pretence;—they are like fly-blown filberts, which contain nothing but grub and puff."

“Those who will not take time to reflect, may suppose that we exaggerate when we affirm that the indigent man is compelled by the circumstances of his situation to practise continual dissimulation. He dares not approach his superior with the easy confidence of virtue. He may not speak what is true, but merely what is agreeable. His neighbour is rich, and consequently powerful; he must therefore, as far as he is able, endeavour to countervail this ascendancy by flattery and dissimulation. If he resent an injury, he is called ungrateful. If he submit in silence, it is imputed to baseness and cowardice of spirit. He asks justice as a favour, and begs the contemptible pittance he receives for his labour with the whining tone of a mendicant. Yet there is no object in nature so disgusting as to see one man crawling to and fawning on another. We may pity the base grovelling wretch, but we must and do despise him. Can this creature be virtuous? He may be deterred from atrocious crimes by the terrors of the law, but his mind is necessarily and radically depraved."

“Servility and fraud are nearly inseparable. Fraud is the natural remedy against force. Lying, as Plato says, is the vice of slaves. All who are governed by any species of fear are disposed to equivocation."

“Society should be constituted like the world's surface, affording equal blessings to all; instead of which it is a kind of fortune's wheel, on which every man strives to elevate himself by lowering his neighbour, and the lowest are crushed in supporting the dignity of the rest."

In the present state of society, wealth and honours are hereditary, and depend upon a man's birth, and but little on his merit; thus mischievously destroying all incentives to virtue and industry. This, in-

deed, is the true levelling system, for thus puts vice and virtue, ignorance and knowledge, on a perfect equality.

In the present state of society, there is in Great Britain sufficient land to support 200 millions of people, and yet a considerable part of the population is at a loss for food.

In the present state of society, there are in great Britain vast hordes of treasure, and of the comforts and necessities of life, waiting for a sale, or lying totally useless, and yet but few of the population have proper comforts and necessities around them.

In the present state of society, there is an immensity of misery, loss of life, and waste of wealth, from causes which might be easily avoided by rational and scientific arrangements; namely, by fires on land, by wrecks at sea, and international warfare.

In the present state of society, it is but half the population who produce the necessities and elegancies of life, the rest being uselessly employed, mischievously employed, or totally idle; yet the income of the useless half is three times as great as that of the industrious half.

In the present state of society, the mass of the people live in a very narrow world, for it is not much larger to them than their workshops.

In the present state of society, every man who places himself in the market as a labourer to be hired, comes in competition with every other man in the same situation, and this competition has a tendency to lower wages, and, of course, to encroach upon the comforts and necessities of his existence.

In the present state of society, plenty and affluence give their possessors the means of luxury and oppression; the more they have, the more they have it in their power to obtain, and the more they have it in their power to prevent those who possess less wealth to gain equal profits.

In the present state of society, the greater part of the population is crowded in masses in unhealthy towns, leaving a fair country dull and solitary. We are heaped and huddled together with nothing but a little carpentry or masonry between, crammed in like salt fish in a barrel, or weltering like an Egyptian pitcher of tamed vipers, each striving to get its head above the rest.

In the present state of society, the most delightful of blessings, a family of children, is turned into a source of sorrow and anxiety to the parents. The larger it is, the poorer they must be, and the more miserably must they live.

A Catalogue of our social vices might be expatiated on to the extent of a volume, the remnants these of barbarism, which still cling to us and our institutions, customs, and manners. Such is the savage custom of war, in which man degrades himself beneath the level of brutes, indulging in blood-thirsty revenge, regardless of justice, which war cannot

produce, since the stronger country must in the common course of events conquer the weaker."

IV.

A man who has won immortal renown by the dedication of his courage, intellect, and virtue, to the ever-arduous cause of the people, M. Louis Blanc, in his work on the "Organisation of Labour," has furnished the following vivid description of the existing social system in France, with a view to its amendment. Before epitomising it, we must observe that the condition of society in France is much better than that of this unfortunate country. In England there are more criminals, paupers, and prostitutes; there is a much greater manufacturing population, both ignorant and demoralised; there is a larger and more cringing and servile mass of traders, tenant-farmers, and farm labourers, on the one hand, whilst on the other, there is in England a proud and powerful land-monopolising aristocracy, governing, legislating, and officiating as judges; a class totally extinct in France. In the latter country, thanks to the first great and glorious revolution, the land is divided, the people are comparatively independent: and a much fewer number are actually suffering from want, or exposed to the loss of self-respect from haughty and insolent superiors. And yet behold what a picture is drawn of the present state of society even in France, by a faithful hand! The existence of such melancholy suffering may well be the apology for even premature and ill-directed remedies. Under the pressure of such an emergency as is presented by the condition of the French people, he must be more than man who plays the complete philosopher.

"If we inquire why the pristine liberty of the savage state has been condemned and destroyed, the first child we meet will give a plain answer. Savage liberty was nothing, in fact, but an abominable oppression, because it was combined with inequality of strength; because it made the weak the victim of the strong, and the impotent the prey of the active. In the present social system, we have, instead of inequality of muscular force, inequality of means of development; instead of the contest of body with body, that of capital with capital; instead of the abuse of physical superiority, the abuse of conventional advantages; instead of the weak, the ignorant man; instead of the impotent, the poor. Where then is liberty? It exists certainly, and even with facilities of abuse for those who have the means to enjoy and enhance it: for those who are in possession of the soil, of money, of credit, of the thousand resources which intelligence and education offer; but, is it the same for that class so interesting and numerous, possessing neither land nor capital, credit, nor instruction—that is to say, none of those things which enable an individual to supply his wants, and develop his

faculties? And such being the division of society, that on the one hand there is immense strength; on the other, immense weakness; competition is unchained between them,—competition, which makes the poor the victim of the rich; which sets the cunning speculator against the innocent workman; the client of the accommodating banker with the slave of the usurer; the gladiator, armed cap-a-pie, with the defenceless combatant; the active wrestler with the paralytic! And this anarchy of oppression, this invisible tyranny of circumstances, surpassing all the hardships of palpable despotism—this is what they dare call liberty!

“Free, truly, to cultivate his intellect is the poor child whom hunger drives from school, to sell himself, soul and body, at the nearest mill, in order to increase by a few pence the paternal wages!

“Free, truly, to dispute the terms of his employer, is the workman, who perishes if the dispute be prolonged!

“The labourer is then at liberty to place his lot out of reach of a murderous lottery, seeing that, in the confused struggle of so many individuals, he finds himself reduced to dependence not on his own prudence and foresight, but on every disorder naturally produced by competition, by a distant failure, by a retracted order, by the invention of a machine, by the closing of a factory, or a commercial panic!

“The workman, out of work, who has no shelter, is at liberty—not to sleep upon the pavement!

“The poor girl is at liberty to remain chaste and poor, when, without work, she has to choose between prostitution and hunger!

“But the poor man has the free *right* to ameliorate his position. And pray what of that, if he has not the *power*? What avails the patient who remains sick the right to be cured?

“This free right, considered in the abstract, is the mirage which since 1788 keeps the people in delusion. This right is the metaphysical and lifeless protection which has replaced the active protection the people are entitled to. This right, pompously and barrenly proclaimed in charters, has but served to mark all the injustice of a system of individualism, and all the barbarity of abandoning the poor to their own resources. It is because liberty has been defined by the word *right* that men have come to be called free, who are in fact the slaves of hunger, the slaves of cold, the slaves of ignorance, and the slaves of chance. Let it be said once, and for all, liberty consists, not only in the rights accorded, but in the power given to men to exercise and develop their faculties under the empire of justice and the safeguard of the law.

“And this, be it carefully noted, is no vain distinction. The meaning is profound, the consequences prodigious. For, so soon as it is admitted that a man, to be free, requires the power to exercise and develop his faculties, it results that society owes to each of its members—firstly,

instruction, without which the mind *cannot* expand ; secondly, the means of labour, without which the activity of man *cannot* make itself a career. How then is society to give each of its members suitable instruction and necessary instruments of labour, except by the intervention of the State?"

"*Competition is for the People a System of Extermination.*—Is the poor man a member or an enemy of society?—*Answer.* He finds around him nothing but appropriated ground.

"Can he till the land on his own account?—No; because the right of the first occupier has become right of property.

"Can he pluck the fruits which the will of God has ripened in the path of man?—No; because, like the soil, the fruits have been appropriated.

"Can he resort to hunting or fishing?—No; because they constitute rights which the government supports.

"Can he take the water of an enclosed well?—No; because the proprietor of the enclosure is, by virtue of the law of inheritance, proprietor of the spring.

"Can he, dying with hunger and thirst, stretch out his hand to the pity of his fellow-men?—No; because there are laws against mendicancy.

"Can he, exhausted with fatigue, and without shelter, fall asleep on the pavement of the street?—No; because there are laws against vagrancy.

"Can he, escaping from this homicide country, where all is denied him, seek far from the land of his birth the means of existence?—No; because he is not permitted to change his country, save on conditions impossible for him to perform.

"What, then, does this unfortunate?—He says to you, 'I have arms, I have intelligence, I have strength, I have youth; take all that, and in exchange give me a little bread.' Thus do and say the workmen of our days. But, even to this you can reply to the poor man, 'I have no work to give you.' What then would you have him do.

"The conclusion from this is very easy. *Secure* work to the poor. You will even then have done little enough for justice, and the reign of fraternity will yet be far off; but at any rate you will have calmed the most frightful dangers, and cut short all revolt! Has it been well considered that, when a man who demands to live and serve society is by society fatally driven to attack it, under pain of death, he, in his apparent aggression, is really acting but in legitimate self-defence, and that society who punishes him does not judge but assassinate him?

"This, then, is the question—Is competition the way to secure work to the poor? But to put the question in this shape is to solve it. What is competition with respect to labour? It is labour put up for auction. A speculator requires a workman. Three present themselves.

"How much for your labour?—Three francs; I have a wife and children.

"Good; and you?—Two francs and a half; I have no children, but I have a wife.

"Indeed; and you?—Two francs will content me; I am single.

"You, then, are preferred.

"It is done; the bargain is struck. But what becomes of the two rejected workmen? They will die quietly of hunger, it is to be hoped. But, suppose they turn robbers? Fear nothing; we have gendarmes. Or murderers? We have the executioner. As for the luckiest of the three, his triumph is but temporary. Should a fourth workman arrive, sufficiently robust to fast one day out of two, the scale of reduction would descend to the lowest point; and, lo! another pariah; perchance another recruit for the galleys!

"If it be said that these sad results are exaggerated—that they are not possible—that they exist only when there is insufficient work for the hands requiring to be employed, I ask, in my turn, whether competition peradventure itself contains any remedy for this murderous disproportion? If one trade is in want of hands, who will maintain that, in the prodigious confusion created by universal competition, some other does not reject them? Therefore, if out of thirty-four millions but twenty individuals be reduced to steal for a livelihood, it is sufficient to condemn the principle.

"But who is so blind as not to perceive that, under the empire of unlimited competition, the constant lowering of wages is necessarily a general and by no means an exceptional fact? Has population any bound which it is not permitted to exceed? Is it allowed us to say to production, abandoned to the caprices of individual selfishness, to this ocean so prolific in shipwrecks—'Thus far shalt thou go, and no farther.'

"Population increases every day: decree that the poor mother become barren, and blaspheme God who made her fruitful; for if you do it not the lists will soon become too narrow for the combatants. A machine is invented; decree that it be broken to pieces, and anathematise science for, if you do not so, the thousand workmen which the new machine drives from their factory, will come knocking at the door of their neighbour's factory, and cause their companions' wages to be lowered.

"Systematic diminution of wages, leading to the extermination of a certain number of workmen; behold the inevitable effect of unlimited competition. It is, in fact, no less than an industrial process, by means of which the workmen are compelled to exterminate one another.

"For the rest, that precise thinkers may not accuse us of deepening the hues of the picture—behold, in formal figures, the condition of the working classes of Paris!"

He then sets out the wages of males and females employed in almost

every department of labour. This information he collected from more than 1500 workmen and workwomen employed in 830 shops at Paris. These figures show that nearly all the artisans are out of employ a considerable portion of the year, some six months, many others four months, and a vast number three months. When in full employ their wages are generally inadequate to secure the comforts of life, and very few of them have an opportunity of making provision for old age. Thousands of women are unable to earn more than sixpence per day, taking the average for the year. After setting out all these details, which terrible as they are, can nevertheless be paralleled in all other great cities, M. Louis Blanc exclaims—

“What tears each of these figures represent! what cries of agony! what curses violently repressed in the abysses of the heart! Behold, nevertheless, the condition of the people of Paris—the city of science—the city of the arts—the glittering capital of the civilised world; the city which, however, reproduces in its physiognomy but too faithfully all the hideous contrasts of a so-highly vaunted civilisation; the magnificent promenades, and the filthy streets; the dazzling shops, and the gloomy factories; the theatres of song, and the obscure retreats of tears; the monuments of triumph, and the halls for the drowned; the Arc de l’Etoile, and La Morgue!

“It results, from an official report, published in 1837, by M. Gasparin, that the number of poor assisted by the 1329 hospitals and charities of the kingdom, did not amount in 1833 to less than 425,049. Adding to this accusing amount that of the poor assisted at their homes by the benevolent bureaux, the author of that fine work on ‘The Poverty of the Labouring Classes’ (M. Buret) affirms, as the result of the last government investigations, that in France there are more than a million of human beings who suffer literally from hunger, and live only by the crumbs that fall from the table of the rich. And yet we only speak here of the poor officially known. What would be the number could we compute exactly those not officially known? Presuming that one officially-recognised pauper represents at least three in reality (a supposition admitted by M. Buret, and which is assuredly by no means an exaggeration), we are led to acknowledge that the whole suffering population is to the total population about in the proportion of one to nine. The ninth part of the population reduced to pauperism! Is it not enough to justify us in calling your institutions cruel, and denouncing the principle of those institutions as eternally impious?

“We have shown by figures to what an excess of misery the cowardly and brutal principle of competition has driven the people; but all is not yet said. Poverty engenders frightful consequences; let us go to the marrow of this mournful subject.”

He then shows that prostitution and crime are the inevitable consequences of this poverty.

"There is a tyranny, I know, far more difficult to elude or shake than that of a Nero or a Tiberius; it is the tyranny of circumstances. It is born of a corrupted social order; it is composed of ignorance, poverty, neglect, bad example, mental sufferings—vainly hoping a consoler—and bodily pain that finds no softener; it has for victim whoever is in want of food, of clothes, of lodging, in a land of abundant granaries, warehouses encumbered with stuffs, and empty palaces.

"Consider an unfortunate, born amid the filth of our cities. No notion of morality has been imparted to him. He has grown up amid examples and images of vice. His intellect has remained in darkness. Hunger has whispered to him her usual temptations. Never has his hand pressed the hand of a friend. No gentle voice has aroused in his outcast heart the echoes of tenderness and love. If he becomes criminal, cry to justice for interference, our security requires it. But do not forget that your social system has never extended to this unfortunate the protection due to his sufferings. Do not forget that his free impulses have been perverted from the very cradle; that an overwhelming and unjust fatality has pressed upon his will; that he has starved; that he has shivered with cold; that he has neither felt nor been taught kindness; notwithstanding that he is your brother, and that your God is the God of the poor, the weak, the ignorant, and of all suffering and immortal beings.

"When in these times a man is yielded up to the executioner, if you demand 'wherefore?' the answer is—'because this man has committed a crime.' If you enquire why this man committed a crime, the answer is silence!

"And then, O philanthropists! what an admirable penitentiary system! After making punishment a part of the education of a criminal, the destitution that awaits him on leaving your prisons remorselessly drives him back again. Leave, I pray you, this plague-stricken man in his hospital; in restoring him to liberty you restore him to the plague. Besides, the contact of the incorrigible criminal is fatal to the weak man, who might be susceptible of cure; for vice, like virtue, has its contagion and points of honour.

"It is necessary to adopt the system of separate cells, which is neither more nor less than prolonged burial; fearful torture! leading to idiocy, suicide, and madness! At Rome, when a vestal had yielded to love, she was buried alive, and beside her was placed a pitcher of water and a loaf of bread. But the Romans at least—as the illustrious Lamennais one day said to us—had the humanity not to renew the loaf or water of the vestal."

He states that there are nearly 130,000 foundlings annually, and that the ratio of foundlings to the whole population has more than tripled in the space of forty years.

"What limit is to be set to this great invasion of poverty? And how

escape a burden ever increasing by additional hundreds? I am well aware that the chances of mortality are great in the factories of modern charity. I know that, of these infants, devoted to the public benevolence, many are killed on leaving their mother's breast by the cold air of the street, or the dense atmosphere of the hospital. I am aware that others are slowly destroyed by the parsimonious food of the hospitals; for of the 9,727 nurses of foundlings at Paris, 6,264 only have a cow or a goat. Lastly, I know how many, united under the same nurse, perish by the milk which their companions—born of debauchery—have poisoned. Well! does not this mortality alone constitute a sufficient economy?

"To crown the misfortune, the sanitary system of the hospitals improves daily! the progress of sanitary measures becoming a calamity! What a social state—good God! What then, once more, is to be done?

"One of the most hideous results of the industrial system we combat, is the sacrifice of children in the factories. In France, we read, in a petition addressed to the Chambers by the philanthropists of Mulhouse, they admit into the cotton mills and other factories children of every age; we have seen there children of *from five to six years*. The number of hours of work is the same for all, great and little. They never work less than thirteen hours and a-half in the cotton mills, save during commercial crises.

"Pass through a manufacturing town at five o'clock in the morning, and behold the population crowding to the gates of the cotton mills! you see unhappy children, pale, sickly, with bloodshot sunken eyes and livid cheeks, breathing with difficulty, walking with bent backs like old men. Listen to the conversation of these children—their voice is hoarse, and, as it were, muffled by the impure miasmas they inhale in the cotton factory.

"Heaven grant that this description be exaggerated! But the fact is, these records rest on official reports, collected by grave and responsible men. Besides, the proofs are but too convincing. M. Charles Dupin said, in the Chamber of Peers, that out of 10,000 young men, called for to endure the fatigues of war, the ten chief manufacturing departments of France presented 8,980, infirm or deformed, whilst the agricultural departments presented only 4,029. In 1837, to obtain 100 able men it was necessary to refuse 170 at Rouen, 157 at Nismes, 168 at Elbeuf, and 100 at Mulhouse. And these are the natural effects of competition. By impoverishing beyond measure the workman, it compels him to seek in paternity an addition to wages. Indeed, wherever competition reigns, the employ of children in factories has been rendered necessary. In England, for instance, the factories are in a great measure filled by children.

"It is a murderous system that compels fathers to speculate with their own children; and, in a moral point of view, what can be imagined more

disastrous than this mixture of sexes in a factory? It is inoculating infancy with vice. How read, without horror, what Doctor Cumins says of the patients, eleven years old, which he has treated in a hospital for syphilitic diseases?"

The education of children thus employed in factories is necessarily abandoned. "What sort of social system is that in which industry is found in open warfare with education?"

"It is true that poverty kills, but still the number of poor increases. 'Vain remedy, this frightful one of mortality! Preserving every proportion, poverty produces far more unfortunates than it consumes. Once more—what road are we to take? The Spartans killed their slaves. Galerius drowned the beggars. In France various ordinances of the 16th century have turned against them the penalties of the laws. Between these varieties of equitable chastisements we may take our choice.'

"Competition produces poverty; it is a fact proved by figures. Poverty is horribly prolific; it is a fact proved by figures. The fruitfulness of poverty throws into society unfortunates who have need of labour, and find no labour; it is a fact proved by figures. Arrived at this point, society has but to choose between killing the poor, or supporting them gratuitously—atrocious or madness."

V.

M. Thiers, the historian, in his speech in the general assembly, on the 14th September, 1848, on the right to labour, essayed a defence of the existing system of society, to which, as the position of the speaker may give it some importance, we will devote a few remarks. His argument leaves untouched all the principal objections before detailed, and amounts merely to this, that the working classes have participated to some extent in the advantages afforded by improved machinery. Clothing, he says, is cheaper, and wages higher, than they were formerly. Most of his statistics are false or fallacious; but it is true that the reward of labour is greater than it was in early times, when man was a beast of burthen, though the condition of the labourer is not *relatively* as good as that of the aristocracy. Great improvements in the arts and sciences have surrounded the mass of the people with many comforts formerly unknown, and which have now become actual necessities.

None but a superficial mind could entertain the idea that these facts establish the proposition that the existing system of society is a correct one. The condition of the African brought from the coast of Guinea, and made a slave, is improved; he is better fed, and clothed, and housed, than when he was in his native country; but it does not follow that his condition is what it ought to be. The principal facts assumed by M. Thiers are consistent with all the statements of M. Louis Blanc, and with all the remarks which we have ventured to offer on this subject. The

numbers of destitute poor, of criminals, and paupers, are rapidly increasing; nine-tenths of mankind are harassed in their endeavours to procure the means of subsistence, which exist in lavish abundance; in a word, men are engaged in preying upon each other, instead of living, as enjoined by Christ, in brotherly love. According to M. Thiers, this is such an admirable state of things as to leave no room for improvement.

The loose and flippant style of M. Thiers's oration on legal government, the foundations of society, liberty, and so forth, may perhaps be adapted to the calibre of mere novices in democracy like himself; but if such a thing were presented to an American audience, nay, to a debating club in a far western village, there would be a universal roar of laughter. He says that he did not desire the republic, but that he accepted it loyally, and for this notable reason—"in the eyes of every honest man and every good citizen a legal government is entitled to respect." That must depend upon the character of the government. If it be tyrannical, it is not entitled to respect, although it be perfectly legal. The governments of Turkey and Russia, like other despotisms, are legal; but every good citizen, having the welfare of the human race at heart, should, instead of respecting these governments, use his utmost endeavours to effect their overthrow. This idea is forcibly expressed in the celebrated saying of Thomas Jefferson, "Resistance to tyrants is obedience to God." M. Thiers preaches the doctrine of passive obedience to all legal governments—i. e. to all governments of every kind whatsoever. But we may be permitted to doubt whether his practice would correspond with his professions; if an opportunity offered itself to destroy the republic, his respect for that legal government would speedily disappear. And it is certain that if his destiny had not been cast in France, but had placed him in the heart of Russia, or of Turkey, he would have worshipped either the sultan or the autocrat.

VI.

The actual question before the assembly was, whether the *law* should allow the poor in France to starve in the midst of plenty. Republic representatives were called upon to decide whether the owners of property in France would act less justly than the aristocratic owners of property in England towards the poor. From the reign of Elizabeth to the present moment, all the landed property of England has been pledged for the support of the poor so absolutely, that before a landlord could demand or receive a shilling of rent the poor must be provided for. Each parish is bound by the law to provide sustenance for its poor, whether young or old, sick or able-bodied. The new poor law of 1834 has made *no alteration* in this respect, the sole objects of that law being to alter the composition of the parochial boards, to unite parishes together, and secure more uniformity in the administration of relief.

Of course M. Thiers was entirely ignorant of all these truths, the fact being, that his incapacity is only equalled by his want of information. Moreover, his sympathies always lead him away from the cause of humanity. He is not willing to tax property for the support of the poor, being infinitely more selfish and aristocratic than the landowners of England. If he owned slaves he would deny their claim to subsistence in sickness or old age, as being totally incompatible with what he calls the "rights of property"; and would allow them to perish before his eyes for want of food, even though his granaries might be bursting with repletion. His sympathies are solely for the rich, he desires to increase the grandeur of the wealthy, and for the sake of being called by some title, and enjoying the pleasure of flitting about a splendid palace, he would, if such were the price of this ignoble distinction, willingly consign millions of his fellow creatures to toil and misery, destructive of their bodies as well as their souls.

M. Thiers is reported to have used language to the following effect: "*Society rested on property, liberty, and competition. Its principle was labour, without which man would be the most miserable of beings, and society itself plunged into misery. God and society told man, 'Work, work, and you will receive the reward of your labour. The produce of your toil shall be your patrimony and that of your children.'* And man laboured to the end of his life supported by that consolatory assurance. *The prosperity of a country was to be judged from the more or less respect enjoyed by property. In the East, where that respect least existed, the soil was neglected, because it was most exposed to the rapacity of despotism; it was abandoned to slaves. Trade alone was there in honour, because capital was more easily screened from rapacity. Where property was respected, the land recovered its importance, industry flourished, usury disappeared, and money was abundant. By liberty he (M. Thiers) did not mean political, he meant social liberty, which allowed a man to choose his profession.*"

A greater mass of nonsense could hardly have been concocted. It is a raffiamento worthy of a D'Israeli, or the London *Times*. Nothing could have been said of the orator that would have so completely destroyed his authority for philosophy and common sense. He does not clearly perceive anything, nor accurately state even his own imperfect observations; and, without an idea of logic, he tempts the strife of argument.

The assembly should have solemnly asserted in the constitution the right of the poor to subsistence at the public expense; but a good law will supply the omission. Such a law is absolutely necessary for the preservation of order and respect for the Republic. Any government, whatever be its form, denying this right, will, in the day of trial, find the real friends of democracy either hostile or lukewarm, and must fall.

Nothing but perpetual discord and conflict may be expected until this fundamental right is recognised. The property classes must rid themselves of such ill-advisers as M. Thiers, or they will rue the consequences.

VII.

"Society," we are told, "rests on property, liberty, and competition." But society rests upon the qualities of human nature, which make man a social and fraternal, instead of an isolated and inimical being. Liberty and property are means to an end, and not foundations of society. There must be liberty and property both within the reach of each individual, that his faculties may be developed, gratified, and perfected. But it is not to be taken for granted that these means can only be acquired by competition. That was a question to be argued. It is asserted by M. Thiers's opponents quite as positively that under the competitive system property is not increased, while liberty is diminished. In the next place, M. Thiers asserts that "labour is the *principle* of society." Labour cannot be a principle. It is a fact; the application of which must be made on some specific principle. Two alternative principles were suggested, presenting the question whether the labour which society demanded from the members for its support should be furnished by co-operators or competitors.

M. Thiers has not advanced more successfully with the further steps of his argument; indeed he seems to be a man who, having devoted his life to history, has nothing left him at the close except the talent for narration. He cannot state any proposition, nor give you an ordinary definition much less an analysis. Let us follow his opinions. According to his theory, the only kind of liberty that is of fundamental importance, is the right to choose a profession. Now we regard that as a mere subordinate matter. Of what avail would that be, if the government could arbitrarily monopolise all the fruits of the citizen's labour, imprison him at will, or take away his life?

It so happens that the absolute right to choose a profession exists in no country whatever; that right is affected in France by the conscription, and in other countries by laws of a similar character. M. Thiers, in his anxiety to depreciate political liberty, has made himself ridiculous.

VIII.

Well-organised society requires the bond of a popular government, emanating from the society itself, under which every citizen may choose or be chosen to any office whatever; and upon laws having for their object the welfare of the community at large. But in the society which M. Thiers admires, the only matter deemed to be of vital importance is the continued possession of property, even where acquired and retained

by force and fraud. The owners of such property are willing to submit to a despotism, relying on their own power to control or direct it, and believing that the mass of the people can be kept in subjection by no other means. This is the kind of foundation M. Thiers would have society based upon, hence his indifference to what he slightly calls political liberty. He would, however, leave the poor at liberty to compete with each other without limitation. By such suicidal competition of the poor, the wealthy classes, for whose benefit alone M. Thiers's political theories are constructed, are supplied with all they require at the lowest possible cost, and appropriate almost gratuitously the services of their fellow-creatures, as well as their reverence and gratitude. M. Thiers professed to be addressing himself to the question how society ought to be constructed, but instead of doing so, we find him presenting a mere description of what he supposed to be the basis of society as it stands, and that is performed in the style of a sophomore.

M. Thiers says that God and society told man, "Work, work, and you will receive the reward of your labour. *The produce of your toil* shall be your patrimony, and that of your children." That is far from being the case under M. Thiers' system of society. The man who does not work lives in luxury, whilst the labourer, so far from receiving the produce of his toil, gets scarcely any part of it; and it is obvious that we must have a reformed system of society, in order to fulfil the promise in question. The supporters of the present system can scarcely thank their advocate for this portion of his argument, but may well exclaim, "Defend us from our friends!" Besides, if the proposition were true, it would be no objection to a social system, in which the members are to be provided for, as well as their wives and children, in health and in sickness, and in old age. All the objects of toil are secured by co-operation. These are personal comforts and happiness, with provision for families, under any circumstances; and the dread of the future is entirely removed. God and society, according to M. Thiers' assumption, can do no more.

The prosperity of a country is to be judged by the more or less respect enjoyed by every man, woman, and child; hence the comparatively great prosperity of the Americans. M. Thiers supposes that social element to be of no importance, but imagines that respect for the vested rights of those who happen to own property is the only thing of real consequence. According to this view, a community is to be regarded as prosperous where nine-tenths of the people are held as slaves by their brethren of the same race, and care is taken to protect the fortunate owners of all kinds of property, whether lands, chattels, or human beings!

If we may judge from these specimens of M. Thiers' reasoning powers, his forthcoming work on property will be a production just suited to the meridian of London, and adapted to the aristocratic taste of the patrons of the metropolitan press. Indeed, since the eulogy pronounced by M.

Thiers in the Assembly upon England and her institutions, and no doubt in consequence of his congenial views upon political and social questions, he has become an especial favourite with the tory party. The *Times* of the 19th September, 1848, in speaking of the oration which we have undertaken to criticise, says,—“After a long debate, in which Thiers has been the rising, and Lamartine the setting sun, the Chamber has resolved not to recognise the right of labour to employment.”

This suspicious popularity of M. Thiers, not less than the false doctrine which he preaches from the tribune, is a proper, if not necessary, sequence in the career of a republican, who opened his address to the assembly with the characteristic declaration, that he did not desire the republic of February, and that he preferred a monarchy and a regency, as the instruments for accomplishing his plans for the happiness of his countrymen.

CHAPTER XXV.

THE MISSION OF DEMOCRACY—(*continued.*)

- I. Co-operative Communities in America—The Rappists on the Ohio: Mr. Buckingham's Description.
- II. Triumphant Success of the Community Principle.
- III. Mr. Buckingham's Reflections on the subject.
- IV. The Community Settlement of Shakers, near Dayton, Ohio.
- V. The Community Settlement of Zoar, Ohio.
- VI. Causes of the Failure to establish Communities in various instances—Mr. Owens' Settlement at Harmony, Indiana—The Mormon Community at Nauvoo, Illinois.
- VII. Practicability of Co-operation—Why more Associations have not been formed in America—Practicability of Associations preserving existing Social Distinctions—Suggestions to Europeans intending to form Associations in America—What would be the effect produced by Co-operative Communities in England.
- VIII. Opinions of European Travellers who have visited American Social Communities—Miss Martineau's Description of the Shaker Community, near New Lebanon, Massachusetts—Her Opinion on the Co-operative Principle—The Spartan Commonwealth—The Precepts of the Christian Religion inculcating the Principle of Fraternity—The Practice of the early Christians.
- IX. Why the present System of Society cannot possibly be sound—Probable Social Reform as great as the recent Discoveries in the Arts and Sciences—Modern Associations—Instances of modern Legislation tending towards the Community Principle—The institution of Private Property: what founded upon—The Duty of Government—Ultimate results of the Poor Laws.
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- XI. Applicability of the Co-operative Principle to Emigration—Systematic Colonisation—Proposed Plan.

I.

The co-operative communities in America have demonstrated the fact that a number of families can live together in peace and comfort, enjoying in common the fruits of their common exertions.

Mr. Buckingham's description of the co-operative settlement of Rappists, called Economy, on the River Ohio near Pittsburg, visited by him in the year 1839, is deserving of especial attention. He says that the community consisted of about 500 persons, with about 100 houses, and the property belonging to the community is worth £100,000, or £200 to

each individual. "There is a church, a museum, a woollen factory, a cotton factory, and stores or magazines for the various articles consumed in the community, and a hotel for strangers."

"The conditions of admission into the society are faith in the doctrines of Christianity, as understood by the Lutheran Church, embracing a belief in the Trinity, original sin, the fullness of the atonement, sanctification by grace, and justification by faith, with the duty of living like the early apostles, who 'had all things in common.' This belief, coupled with good character for honesty, industry, and sobriety, and an expressed willingness to resign all claim to individual property, and conform to the rules and regulations of the community, are the only requisites for admission.

"The community is governed by the president, Mr. Rapp, and a council of elders. By the elders and superintendants the population are classified and assigned to the several labours for which they are required, and for which they are most fit. A certain number of men are devoted to agricultural operations, another portion to the woollen manufactory, some to the work of building and carpentry, others to the making of hats, shoes, and smiths' work, as well as domestic utensils and furniture. The females are employed in the cotton factory in making clothes, and in the performance of all the household or domestic labour, and the few children are taught by them the simple elements of reading and writing, and assist in the lighter labours also."

"The families, as they are called, live in parties varying from five to eight in number, in separate dwelling-houses, rarely or ever all of the same sex, but about the proportion of males to females which exists in the society generally as about three to two, but not in marriage. Mr. Rapp was married when he founded the community, and his wife, son, and daughter, came out with him originally, and lived with him for several years. The wife and son are both since dead, but the daughter and grand-daughter are still living, and keep Mr. Rapp's house. Celibacy, however, though not made a positive condition of membership, is so strongly recommended on the grounds advised by St. Paul, that there are only a few married families in the whole community, that of the physician and some others. The instances have been very few in which any parties have expressed a desire to marry. Whenever they have done so, it has been permitted, and the marriage consecrated by a religious ceremony; but in general the parties have either at the time, or subsequently, left the community, and gone into the world."

"No instance of illicit intercourse or seduction has taken place during the whole term of the society's existence (it was founded in 1805); no crime of violence, no theft, and no drunkenness, have yet occurred in any single member of the community from its first formation up to the present time.

"The property being held in common, no individual lays claim to anything as his own; and as nothing is either bought or sold among themselves, money is of course unnecessary. Stores of various descriptions exist for the several articles in daily consumption,—such as provisions of all kinds, clothing, furniture, &c., all of a simple but wholesome and substantial kind; and each of these stores is placed under the superintendence of a competent individual. At stated periods in the day or week, the caterer for each family goes to the store and procures such articles as may be required, and there is no limitation to the quantity to be supplied. Experience soon establishes a sort of standard of probable sufficiency, and this is generally found to be adequate to the regular consumption, beyond which there is no temptation either to hoard or waste. As there is always enough for every one, there is no apprehension of scarcity; and as the habit of care and economy is established both by precept and example, waste would be deemed sinful, and is never practised. It is the same with clothes as with provisions. Only certain articles of apparel, all substantial and good, but simple in form and colour, are made for males and females from materials woven and labour supplied in the place; and whenever any of these garments are required, application to the store is sufficient to obtain them without money and without price.

"Persons being thus assured of a full and sufficient supply of good food, good clothing, comfortable shelter, and an equal share of whatever social privileges or accumulations of property within the community may be the fruits of this system, cheerfully give their labour as an equivalent for this, especially as that labour is healthy, light, and in no respect degrading."

"The men work about ten hours a day, having breakfast at half-past six, dinner at half-past eleven, and supper at half-past five. The females working in the cotton factory have only eight hours' labour, and in the dwellings still less; for at nine in the evening every one retires, and they have several hours of leisure in the day.

"All the materials produced by them are first stored in sufficient quantity for the consumption of their own community, and the rest they send to market. The only things they require to buy are cotton for their manufactures, and colonial produce for their household supplies, neither of which their soil or climate will admit of their growing. Their own wool and their own silk they work up into cloths, velvets, silks, and satins. Of these also they sell the surplus above what they themselves consume. To avoid all risks, they sell at small profit for ready money, and they purchase their raw cotton, their coffee, tea, sugar, &c. with ready money, also at reduced rates. And as in every year's transactions there is a considerable gain to the community, since they always produce much more than they can consume, the excess of gain is expended in

the purchase of new land, the erection of new buildings, and the procuring of new stock ; or it is otherwise invested in some secure manner, so as to ensure the safety of both principal and interest."

"The only thing that seems wanting to make the community perfect is a higher relish for education, literature, and the fine arts ; with the devotion of a larger space of time to the cultivation of the mind and the enjoyment of intellectual pleasures. But it must be remembered that their founder was a linen weaver of Germany, of little or no education ; that those who have since joined the community are persons of a similar class, and that the habit of labouring and accumulating for the common stock, having been formed as the chief pleasure in all those who have grown up from youth to age in the settlement, it would be difficult suddenly to inspire them with a love of literature and the arts, while there is no rising generation of children that can be trained up with such a taste as their successors."

II.

"Our last thought on closing the day was as to the contrast of happiness and virtue which this community of 500 persons presented when compared with any other community of the same number and extent in any part of the world, and my own conviction was, that there was nothing impracticable to prevent the formation of similar communities, with the addition of some great and important improvements which might be made to embrace a large portion of every educated and virtuous society on the globe.

"On the following morning (Monday), we devoted the whole of the forenoon to visiting the manufactories and workshops, under the direction of Mr. Fox, the English silk weaver, and the physician. In the workshop or factory of the former, both men and women were employed in weaving silk and satin, plain and figured, all of as good quality as is produced at Lyons or London ; and in a separate apartment of the works, built exclusively for it, was an exceedingly beautiful machine, in the shape of a seven-fold loom, at which, by the mere turning of a horizontal bar like that with which water is pumped from the hose in a fire engine, seven separate ribbons, of seven different patterns, were woven at the same time. The machine was a piece of admirable workmanship, built chiefly of mahogany, and ornamented with brass, the whole being made and set up by the mechanics of the community, under Mr. Fox's direction ; and the working, when the patterns were fixed, with unerring precision, the labour being so simple and so easy that a child might use it for safe and healthful exercise. There were figured satin ribands of the greatest width in use among fashionable ladies for bonnets ; and these were pronounced by the ladies of our party to be quite equal in texture, colour, and quality, to the best French ribands sold in London,

and at about the same price. We brought away some of each of these manufactures as specimens.

"The cotton factory, which we visited next, was on the same plan as those of Manchester and Lowell, divided into floors or stories, with different operations of spinning and weaving going on in each,—the powerloom and the steam-engine supplying the place of manual labour. The greater number of the persons employed here were females between the ages of twenty and thirty, with some few older ones as superintendants, the whole number not exceeding 100.

"The woollen factory, which was in another part of the town, though both were nearer the river than the dwelling-houses, for the purpose of their carrying off the smoke and steam, was constructed on the plan of those of Leeds, and its operations similar to those I had often before seen in the splendid works of Mr. Gott in that town. Here men only were employed to the number of about 100, including the dye-house and drying and bleaching-grounds attached. In the dressing-room, where we met old Mr. Rapp, who usually takes his morning round to see his children, as he calls them, and animate every department of their labour and enjoyment by his presence, we saw some fine wool-dyed black broad-cloth, of the finest quality, just finished, and not at all inferior to the best broad-cloth of England or France. Indeed, procuring the best workmen, at any price, to teach their members the art, using only the best materials of each kind, having no motive to cheat or defraud by sacrificing strength and good quality to cheapness; and never being pushed or hurried to get up goods for a particular market, or overreach or undersell a competitor in the same line of trade, they make whatever they do in the best way in which it can be made, and rely rather upon its excellence than its cheapness to ensure it a preference, which is just the case with the productions of the Shakers, who, under similar advantages for making all they do excellent, obtain higher prices for their articles than are ever paid for things of the same description made by the general trade."

III.

"The great charm about these labours of the Rappists is, that no one appears to be overworked or underfed; none are without abundance of clean and comfortable apparel; there are in their factories no children whose strength is taxed beyond its power to bear: there is no anxiety on the mind of a single being as to a stoppage of the works, a loss of employment, a reduction of wages, or any of those vicissitudes which place before many an English operative the choice between a prison, the poor-house, or emigration. There is no drinking to intoxicate old or young, and to produce the disease and misery which that engenders; no confined air and heated atmosphere to oppress respiration, and vitiate the

blood ; no want of medical aid, rest, and recreation, if sickness should require absence from labour, and no fear of want resulting from loss of time. No political questions or party contests ever agitate their passions or inflame their ill-will. The day glides on tranquilly, and, after light labour and sufficient food, mingled with the enjoyment of a cheerful walk in the open air, or music practised in concert, they retire early to rest, and rise again but to repeat the same course of simple and rational enjoyments on the day following.

"I may add again, that the main principle of this society appears to me capable of being incorporated with other improvements, embracing marriage, with all the pleasures of educating and training the rising offspring ; a larger devotion of time and means to the cultivation of literature, science, and art, and the consequent crowning of the whole with more of refined and intellectual pleasures than is now enjoyed. This, I believe, would be quite practicable, without the intrusion of anything that should admit the influence of those evil passions, and the force of those temptations which are engendered by the eager pursuit of individual wealth in general society. If such a union could be effected as this alliance, of a sound principle in respect to property, with the refinements and adornments of life, and based on a pure religion and sound morality, a great good would be attained by the removal of seven-eighths of the motives that lead to the commission of crime. No man who has studied history, or seen much of the world in active life, can doubt but that the love of wealth, and the eagerness of desire to possess it, is the ruling passion of mankind, and that everywhere it is productive of crime, in a greater or less degree, from the days when St. Paul said, 'The love of money is the root of all evil,' down to the last act that was passed for preventing or punishing theft or forgery.

"The records of our criminal and civil courts show a continued succession of attempts made by one class of persons to obtain by violence or fraud unjust possession of the property of another class, so that mankind are divided into the two great bodies of plaintiffs and defendants. These are not always in court, it is true ; but, whether in court or out of court, each class seems to be continually preying on some other, and getting out of the labours of the whole as much as they can for their own benefit, with as little return of their own labour as they can prevail upon them by persuasion, or by fraud, or by force, to accept. It is thus that lawyers are necessary to settle the never-ending disputes which contested property engenders ; that watchmen and police are necessary to prevent open robberies ; and that judges and juries, and prisons and hulks, are necessary to punish those who cannot be prosecuted. If, to all this machinery at home be added the armies and navies necessary to defend countries from robbers seeking to possess their property from abroad ; the taxes necessary to pay these armies and navies ; the machinery and

persons required to collect these taxes, and prevent their evasion, by smuggling or otherwise; the occupation of legislatures, writers, printers, and newsvendors, busily employed from day to day in making laws, printing books and papers, to prevent, or correct, or punish the offences against life, property, morals, and religion, engendered by this love of money, 'which is the root of all evil'—it may be truly affirmed that one half of the world are obliged to labour *twice the necessary time for half their just reward*, in order to support the other half in luxury and indulgence, who are either idle, or occupied in labours which, if the love of money were not to be gratified by the possession of individual property, would be wholly unnecessary.

"And if a remedy for this great evil in the waste of human energies, and the multiplication of temptations to crime, is to be found in a remodelling of such portions of society as may be disposed to form voluntary co-operative communities, like this, at "Economy", with such varieties of improvement in detail as time and experience may suggest, every such attempt ought to receive the commendation and indulgence of all the friends of virtue at least, instead of being sneered and scoffed at, as they are, by the common herd of mankind."

It is most humiliating to think that mankind should, in the present age, amid the rapid progress of every kind of knowledge and the diffusion of learning among all classes, be obliged to be repeatedly told, and are most unwilling to understand, that their methods of living, and the institutions of society, are fundamentally and thoroughly wrong; that by each person being allowed to work out his own individual interest, the interests of all are woefully sacrificed, as no man can gain his interest beyond a certain point without abstracting from others a share of their just dues; that the only method of making a happy and harmonious society, is for the whole to co-operate together for their common interest; and that as union makes strength, so would union make them mighty in obtaining means of mutual happiness. But so it is; and so much is man blinded by the usages of society, and so much is his self-interest alarmed by a more liberal proposal of a fairer distribution of fortune's favours among his fellow men, that even to hint such a scheme has been accounted the extreme of criminality in opinion, and classed the daring professor among the lowest grade of impostors; and even deep-thinking men, who have allowed the justice of the primary propositions, have been so much beset by the difficulties and intricacies in the working of them out into a practical system, that they have abandoned the scheme in despair, and have decried all attempts to establish it as enthusiastic and visionary.

Mr. Buckingham also describes the settlement of Shakers, called Watervleit, near Dayton, Ohio. "It is in a fine farming country, and has about 500 acres of land belonging to it, worth from twenty-five to

fifty dollars per acre. It is chiefly devoted to the growth of wheat and other grain, with meadows for pasture, and orchards for fruit. The dwelling inhabited by the members is a large and substantial brick building, and though marriage is prohibited, and all intercourse between the sexes cut off by the rules of the institution, yet the sleeping-rooms of both the males and females are here under the same roof; and they take their meals in the same large hall. They sit, however, at separate tables, and there are two doors at the entrance of each of their apartments, one for the exclusive entry and exit of the men, and one for the women, that they may not meet and touch each other in the passage."

"They observe a uniformity of costume, very much like that of the Quakers in England, the plain caps of the women and the broad brimmed hats of the men especially; but the latter all wear loose trowsers and large waistcoats, and go without coats, or in their shirt sleeves. Everything about their persons, rooms, and furniture is as clean as it is possible to make it; and this cleanliness, neatness, and order of their dwellings is in striking contrast to the dirty and disorderly log cabins seen by the roadside, and occupied by the families of American settlers and farmers generally. Every member of the Shaker community works; and their industry and economy has led, here, as elsewhere under the same co-operative principle, to considerable accumulation of property. Besides farming, which furnishes all that is necessary for the support of the household, and leaves an abundant surplus of grain and cattle for sale, there is a large manufactory of waggons and carts carried on by them; various household requisites are made also in wood, of the neatest and best workmanship, which are in great request. They have an extensive garden, in which they cultivate a great variety of vegetables for sale, and their productions of every kind are in higher esteem than any others brought to market. They preserve also large quantities of seeds, of fruits, vegetables, and flowers, which are dried, packed, and sent to considerable distances; the same preference being given to those over other seeds, as to all other articles preserved, prepared, or made by them; as it is known that they are always sober, honest, and industrious, and therefore whatever is done by them is *well* done, and full measure and good quality may be always relied on."

When Mr. Buckingham visited the community, several members had married and left. At Union village, the larger settlement near Lebanon, the leader, who had been at their head for many years, had contrived to possess himself, as treasurer, of upwards of twenty thousand dollars. Not the slightest inconvenience was suffered from this loss. The declining numbers of the community were recruited by receiving the families of widows, and orphans, or others in distress.

V.

We are indebted for the following description of the community of Zoar, in Ohio, to an American gentleman, who visited it in March last:—

About forty years ago, Jacob Biemeler, with nearly 200 of his followers from Germany, came to Philadelphia, intending to form a community settlement in the interior of America. They were all of the same sect of Christians. By the time they arrived at Philadelphia, they found themselves without any money; but a gentleman in that city having entire confidence in their honesty, lent them twelve thousand dollars, with which they proceeded to the State of Ohio, and laid out most of the money in the purchase of a large tract of excellent land, on the Scioto River, near Chillicothe, then in the wilderness. They called their place Zoar. They suffered considerable privations and hardships during the first few years of their settlement; and, as it was necessary to put forth all the energies of the community in erecting habitations, clearing the forest, and raising provisions, it was agreed that the married persons should abstain from sexual intercourse until the condition of the settlement was such that the rearing of children would not interfere with the general welfare.

At the end of three years, the community had so far prospered that this injunction was removed. At the end of fifteen years, the Philadelphia gentleman was repaid his principal and interest, and the settlement presented the appearance of prosperity and comfort. They have never contracted any debts except the loan above mentioned. They now own over six thousand acres of rich land, together with an oil-mill, flouring-mill, saw-mills, carding-machines, and factories of different kinds. The value of their property is not less than two millions of dollars. Marriage is freely permitted; but, owing to the temporary prohibition before referred to, and the hardships which the community underwent at the outset, its numbers have not materially increased. They have schools for their children, in which all the rudiments of a common education are taught; and during the winter of 1847-8 they employed a teacher of vocal music from abroad, and are beginning to turn their thoughts more to intellectual culture and refinement.

They live in separate dwelling-houses, in families: the dwellings are in a village near the centre of the estate. They have storehouses for their provisions and manufactured articles, and also a store for the sale of such articles as are not needed for the community. With the money raised from these sales, they purchase such articles of comfort as they do not produce, and also purchase additional land from time to time. The dwellings are neat, clean, and comfortable; the farm buildings present an appearance unequalled by any others in the State for neatness and convenience.

Each person has his work allotted to him by the superintendants or directors, who also work themselves. Provisions are supplied to each person, without stint, from the common storehouse. Every person is comfortably clothed. There is a place of worship, in which they assemble on the Sabbath. There is no such thing as intoxication known in the community. Marriages are always celebrated at the church. The community choose the treasurer, storekeepers, and other officers. All the members of the community work, and all are on a footing of perfect equality. The health of the community is so good, that they seldom employ a physician.

Any person of good moral character, and congenial religious sentiments, will be received into the community upon trial for one year, and either with or without his property. If he brings in his property, it is received by the treasurer, and the amount credited in his books. At the expiration of the year, the party is called upon to decide whether he will become one of the community for life, and the community is called upon to decide whether they are willing to receive him. If he is not desirous of remaining, or the community is not satisfied with him, he receives the amount of money brought by him, with six per cent. interest, and leaves them. If he brought no money, he takes nothing away but his clothing. If he retires before the year, he receives his principal without interest. A man may bring his family with him if he chooses. If, at the expiration of the year, the applicant is desirous of becoming a permanent member of the community, and is accepted by them, his property goes to the general fund, and he enjoys all the rights and privileges of the other members. Any member may at any time withdraw from the community; but if a member withdraws after the expiration of the year of probation, he is not entitled of right to receive any property from the community, but the community will give him, as a gratuity, so much as they think, under all the circumstances, is just, it being left entirely to their option. Very few, if any, Americans have joined them, and very few, or none, of the members have ever withdrawn. Some destitute foreigners have become members, mostly women.

A few years ago, a fire partially destroyed a neighbouring village. Early the next morning, a four-horse waggon, loaded with provisions and clothing, was seen coming from Zoar to supply the sufferers. Upon such occasions, the community has always been forward in relieving distress.

VI.

Several attempts at forming communities in Ohio, New York, Massachusetts, and other States, have failed in consequence of the want of capital and the difficulties attending the effort at the outset. Most of these attempts have been made upon wild or unreclaimed land by a

miscellaneous assemblage of persons without sufficient pecuniary means. The property of the association has been mortgaged in the first instance, and the association has been unable to meet its engagements to pay off the mortgage-money by instalments. The community attempted to be established by Mr. Robert Owen, in 1826, upon the estate called *Harmony*, in Indiana, abandoned by the Rappists on account of its unhealthiness and other disadvantages, soon failed. The great error committed by Mr. Owen was his receiving in the commencement into the society persons of all descriptions and of all countries, without any inquiry into character. His vigorous opposition to all kinds of religion and to the institution of marriage also, caused violent disputes and confusion.

Mr. Buckingham thus describes the Rapist settlement, in Indiana, its abandonment, and Mr. Owen's settlement:—

"The Rappists remained about ten years, during which they built a small town, and erected a large church; and their numbers being still further augmented from Germany, they conducted their agricultural and pastoral operations with great success, and began some small undertakings in domestic manufactures. Objections, however, were found even to this spot, though it is described by those who lived there, and with many of whom we conversed, as being eminently beautiful and fertile; but in the spring, the rich meadows were infested with small worms in the high grass in such quantities that they were called the "army worms;" in summer the mosquitoes were intolerable, and in autumn the fever and ague prevailed. They therefore determined on a second removal, as soon as a favourable opportunity should occur for disposing of their lands and dwellings.

"It happened that about this period Mr. Robert Owen, of Lanark, was in search of such a spot, with a view to form a co-operative community, on the principle of Mr. Rapp's, as far as regarded a community of goods, but differing from his entirely in the material point of religion, as well as in matters of subordination and authority, labour, discipline, and many other details. Mr. Owen purchased the settlement of New Harmony, which embraced nearly 20,000 acres of land, and induced a number of persons from England to follow him there, as well as persons in America to join their numbers; the price paid by him for the land, house, and stock being only 105,000 dollars. But this new community did not last, it is said, even a single year.

"The causes assigned for its failure among the persons with whom we conversed here, and who professed to be well acquainted with the facts, were these:—Mr. Owen, it appears, held that man was by nature so disposed to labour, and a certain amount of it was so agreeable to him, that it was not necessary to have any rules or regulations to enforce it in any way; and, as he thought a very small amount of labour was sufficient

to produce all that could be necessary for a co-operative community, he considered that those only needed to work who chose so to do, and those who preferred being idle might be allowed to follow the bent of their own inclinations. It was accordingly soon found that the idlers were very many, while the workers were very few. There was neither production nor accumulation to be expected under such a state of things. As amusement, however, had its full share of attention, though labour received so little, and as religion had no share at all, the fine church built by the community of Mr. Rapp was speedily converted into a temple of entertainment; and concerts, balls, lectures, and debates succeeded each other almost every day. Magnificent plans were formed for buildings and improvements; but the sources of wealth being entirely neglected, the means of executing these plans could not be provided. The authority of the founder was no greater than that of any other man; and diversities of opinions led to disunion; so that the community gradually dispersed, the property became less and less valuable, and the society was ultimately broken up entirely—when Mr. Owen returned to Europe. Such is the statement given here, at least, of the failure of New Harmony, and the causes which occasioned it, under Mr. Owen's management.

"It is so difficult, however, to obtain perfectly correct information on *ex parte* statements, that it is more than probable there were other causes besides those assigned for the failure of Mr. Owen's plans at Harmony; and a more favourable construction might be put on his views and management by those who accompanied him in the enterprise. That his motives were benevolent, and his desire to promote the happiness of his followers disinterested and sincere, few persons who know his history would doubt. My own conviction is, that if the simple and practicable principle that co-operation is more advantageous than competition in the production, distribution, and enjoyment of wealth, had been exclusively put forth and made the rule and guide of action, unmixed with other speculative opinions as to the marriage-tie and the truth of the Christian religion, Mr. Owen's labours would have been crowned with success among the labouring classes of the population especially, for whom such co-operative communities are so desirable and advantageous. But the open advocacy of views in morals and religion so opposed to the public feeling and sentiment of the great majority of the nation as those put forth as the doctrines of the socialists, could hardly fail to deter thousands who would have been otherwise well disposed to the experiment of a merely co-operative community, from joining such a body; though it is plain that the principle of co-operation in labour, for producing wealth, and the adoption of any particular views on abstract subjects of opinion and belief, have no necessary connexion with each other, and ought never to have been united."

The Mormon community, established by Joseph Smith, at Nauvoo, in Illinois, was broken up by an invasion of the lawless people in the neighbourhood, who availed themselves of the unpopularity of the religious faith of the Mormons to despoil them, and expel them from the country. All the associations where peculiar religious opinions are entertained have had to encounter the hostility of the neighbourhood; but, notwithstanding this circumstance, they have prospered.

Captain Marryatt, who visited some of these communities a few years ago, takes occasion to remark that one thing is fully established by their experience, viz.—that they are sure to get rich in consequence of the superior economy of associated labour. This is a great fact, and it serves to effectually demolish the flippant assumption of M. Thiers that “No man would labour for the community. A patriot is ready to die, but not to work for the country.” M Thiers is utterly ignorant of the subject upon which he professes to speak and instruct mankind.

VII.

It is demonstrated that a number of persons having a common tie, *e.g.* the same religious belief, can enter upon a forest in its primeval state, and soon convert it into a garden by their associated labours; that they can obtain all the necessaries and comforts of life by moderate exertion; and that each member is secured a competence in case of sickness and old age. That being so, the question arises, Why has not the system of co-operation become more common in America? The answer is plain, and perfectly satisfactory. It is difficult to find persons possessed of capital sufficient for the purpose, willing to undergo the unpleasantness and inconveniences attending the first stages of the establishment of a social community. Under the present system of society, men are engaged in contending against each other, and not in acting together; and men of capital, being in the enjoyment of many of the comforts and luxuries afforded by the present system, and especially enjoying the exercise of power over their fellow-creatures, are for the most part unwilling to engage in any social experiment, founded upon the principle of equality. This state of things, however, will not long continue; we have no doubt that associations on a grand scale will soon be established in America, and that they will be attended with brilliant success. In consequence of the general equality of conditions prevailing amongst Americans, they are well adapted to form associations like those above described. The American farmer's family would not, even in the first stages of the association, have as much disagreeable work as they now have to perform, if the community were to take land already cleared and cultivated, and supplied with the necessary buildings.

It has been suggested that in Europe associations might be formed, preserving something like the present social distinctions, the various

members being divided into classes, but all being secured competence, comfort, a reasonable amount of leisure, support in sickness and old age, and a provision for the helpless portion of every family. Education and religious instruction would be provided for. The government of the community might be confided to officers, periodically elected, the powers of such officers being defined by the constitution of the society, and all the members being eligible to hold office. It is contended that, under this system, most of the principal advantages of co-operation would be enjoyed; and that, in the course of time, absolute equality would be introduced. The members would live together, so as to enjoy each other's society as far as practicable, and receive the benefits of all modern economical processes for domestic purposes. The community should be engaged partly in agriculture and partly in manufacturing, so that the labour might be light, easy, healthy, and pleasant.

They need not enter much into competition with unassociated labour; but their main object should be to raise amongst themselves, upon their own property, as much as possible, all things required for their own use. Regulations might be made for the reward of extraordinary merit. These associations would be beneficial to the parties concerned, and their example would be useful, by demonstrating the practicability of the system of co-operation. But we most strenuously object to the violation of the principle of equality; that sacred principle, however, would doubtless soon be recognised.

It is important for European associationists intending to try their system in America to settle in the free States, in order that they may enjoy the benefits of a temperate climate, and not be surrounded by an inimical institution.

We do not think that the public mind in the old world, especially in England, is yet prepared to profit much by the example of co-operative societies; still they should be established, for the benefit of the individuals joining them, and for the sake of the effects which the example will produce, some years hence, when democratic government and legislation shall have prepared the people to receive a new form of society.

VIII.

Most of the European travellers who have visited the American co-operative communities have been forcibly impressed by the great social phenomena which they display to the world, and have formed the opinion that, at some time or other, such communities would become general.

Miss Martineau visited a community of Shakers, in Massachusetts, and makes the following remarks:—

“Our first visit was at their establishment, two miles from New Lebanon, Massachusetts. There are 700 members at Lebanon, and 300 at Hancock, not far off. The Lebanon establishment is in possession of

about 3880 acres of land, which are cultivated to a perfection seen nowhere else in the United States, except at Mr. Rapp's establishment on the Ohio, where community of property is also the binding system of the society. This principle seems to us to have acted most beneficially wherever we have seen it in operation, and this is not to be wondered at, since there is an absence of all that makes people reckless, and a presence of all that stimulates them to do perfectly what they have to do. Their kind affections are engaged to do their best for others who are doing their best for them. Nothing has been seen to equal the perfection of the Shaker and Rappite arrangements in their fields, vineyards, gardens, and houses. They have the best crops, the best wines, the best provision for the table, the best medicines, furniture, house-linen, roads, fences, and habitations in the country, with an enormously increasing amount of wealth, and a very moderate quantity of labour. They are free from the operation of nine-tenths of the penal law, from all that relates to the protection of property. They have all that they want, and have the means of obtaining all that they can ever wish for. They are free from all temptation to theft and fraud; and the enormous mass of law which relates to the maintenance and transference of property bears no relation to them. I believe no member of these societies has ever been charged with any breach of the laws of the country.

"The road through the settlement had not a stone bigger than a walnut upon it, not a weed was to be seen in any garden, nor a dunghill in all the place. The collars of the men, and the drapery of the women, were as white as snow. The windows were so clear, they seemed to have no glass in them. The frame dwellings, painted straw colour, and roofed with deep red shingles, were furnished to the last degree of nicety, even to the springs of the windows, and the hinges of the doors. The floors were as even and almost as white as marble. The wood was put up in piles, and supported by stone corner-posts, and not a chip was astray or a log awry. The shop was stocked with the surplus of their manufactures, linen and woollen drapery, knitted wares of every kind, sieves, baskets, boxes, cordage, casks and pails, medicines, confectionery, and toilet luxuries. They command a very extensive sale for all their productions, especially garden-seeds and medicines, of which they send large quantities yearly to London.

"All these advantages are more than counterbalanced by unnatural and gloomy religious observances: all sexual intercourse is prohibited; reading is discouraged; their life is dull work and no play. Their God is their demon, before whom they tremble and afflict themselves, and to whom they sacrifice all the blessings which goodness has showered over them. But if such external provision, with a great amount of accumulated wealth besides, is the result of co-operation and community of property among an ignorant, conceited, inert society like this, what may not

the same principles of association achieve among a more intelligent set of people, stimulated by education, and exhilarated by the enjoyment of all the blessings which Providence has placed within the reach of man? If a very low principle has served the purpose for a time, at least in the new world, to create comfort and independence, there seems much ground for expectation that a far higher one may be found to work as well in the more complicated case of English society. There is, at least, every encouragement to try. While there are large classes of people here whose condition can hardly be made worse while the present system (if such it may be called) imposes care on the rich, excessive anxiety on the middle classes, and desperation on the poor; while the powerful are thus, as it were, fated to oppress, the strivers after power to circumvent and counteract, and the powerless to injure, it seems only reasonable that some section at least of this warring population should make trial of the peaceful principles which are working successfully elsewhere. The co-operative methods of the Shakers might be tried without any adoption of their spiritual pride and cruel superstition. These are so far from telling against the system, that they prompt the observer to remark how much has been done in spite of such obstacles."

The famous Spartan commonwealth was formed by Lycurgus on a system of co-operation; he laid his axe to the root of their ancient constitution by first equalising property, and then removing alike the means and motives to accumulate. He made a law, says his biographer Plutarch, for the equal division of lands; for he found the city overcharged with many indigent persons who had no lands, and the wealth centred in the hands of a few. Determined, therefore, to root out the evils of insolence, envy, avarice, and luxury, and those distempers of a state, still more inveterate and fatal—poverty and riches—he persuaded them to cancel all former divisions of land, and to make new ones, in such a manner that they might be perfectly equal in their possessions and way of living. Hence, if they were ambitious of distinction, they might seek it in virtue, as no other difference was left between them but that which arises from the dishonour of base actions and the praise of good ones. After this, he attempted to divide also their furniture, in order to take away all appearance of inequality; but he soon perceived that they could not bear to have their goods directly taken from them, and therefore took another method, counterworking their avarice by a stratagem. He stopped the currency of the gold and silver coin, and ordered that they should make use of iron money only; then to a great quantity of this he assigned but a small value: so that to lay up ten minæ, a whole room was required, and to remove it, nothing less than a yoke of oxen. He adopted the Cretan institution of public dining-tables, at which every citizen was obliged to take his meals, and eat in common of the same meat.

The Christian religion will, at no distant period, be the means of introducing mutual assistance and brotherly co-operation, for these form the basis of the Christian doctrine. According to that religion, we are to do as we would be done by. During Christ's pilgrimage on earth, we find him eating the same bread, drinking of the same cup, and having one common purse with his disciples. After his resurrection, these systematically followed his precepts, for we are told, "Neither was there any among them that lacked, for as many as were possessors of land, or houses, sold them, and brought the prices of the things that were sold, and laid them down at the apostles' feet." Acts iv. 34. "And all that believed were together, and had all things common, and sold their possessions and goods, and parted them to all, as every man had need." Acts ii. 44. St. Paul exhorts his Corinthian converts to pursue the like practice. "I mean not," says he, "that other men be eased, and you burdened, but by an equality, that now at this time your abundance may be a supply for their want, that their abundance may also be a supply for your want, that there may be an equality." The early Christians very generally adopted the method of living in communities, where, as St. Jerome says, they had all things in common but their wives.

IX.

It is manifestly easy to produce a superabundance of food and clothing, and yet the majority of mankind are either in actual want of those necessities, or in fear of being reduced to that condition at some future time. This fear embitters existence, and makes men grasping and dishonest. This cannot be a state of society incapable of radical improvement. The subject demands, and will soon receive, the most careful attention of the philosopher and philanthropist; and it is probable that a reform of the social system will be effected, as extraordinary in its character as the great discoveries and inventions in the arts and sciences—the railroad, electric telegraph, printing, gunpowder, and a hundred other things which have revolutionised modern society. Every day some progress is made in association. It is the age of association. Companies are formed to carry out great enterprises, to secure parties from loss by fire or tempest, to provide support for members in old age, and after their decease a fund for their families. Behold the tendencies of modern society, and of modern legislation. In England, the state has undertaken to support the poor, and provide for the helpless. It will soon educate the people; it has already assumed to give them religious instruction, but unfortunately has endowed only one sect, and that in a most absurd and obnoxious manner. The state will also take proper measures to increase the health of the people of towns, and minister to their comfort and enjoyment, by providing public grounds for exercise and recreation.

The state has interfered to protect the helpless portion of the community from the cupidity of parents and taskmasters, by limiting the hours of labour in certain factories. The doctrine is no longer preached with effect, that the only duty of the state is to preserve the peace. The principle is acknowledged, that the people, through their government, are bound to do all that can be done to secure the general welfare; to assist the weak, to elevate the mass, and to correct as far as possible the evil consequences of excessive competition.

This is the duty of government, whatever may be the effects of its acts upon particular individuals, and despite the so-called rights of men to do as they please with their own. The individual man can have no rights in a social state which are prejudicial to the community.

It is idle to say that government has nothing to do with the evils of competition, when but for this same government the exclusive ownership of landed property enjoyed by a few individuals would have no existence. That ownership is not founded upon any natural right—it is conceded by Blackstone and all other writers on the subject, that the institution of property rests entirely upon the assumption that society is benefited by it. If it could be proved that society would be benefited by abolishing that institution, it could be defended no longer by any sound process of reasoning.

The right of government to do all that may be necessary for the general welfare, is founded upon the same principle as the institution of property itself.

It is true that legislative interference has often been injudicious; but it does not follow that it must always be so. Legislation in every department has occasionally been unwise and prejudicial, but it will not be contended that therefore legislation should cease altogether.

The undertaking of the state to provide employment for those who need it, and sustenance for the poor, an undertaking which ignorant newspaper writers in England have treated as wild and impracticable on the part of the French government, is solemnly set forth in the English statute-book; and it will at no very distant period be made the means of establishing a general system of co-operation. Let it be enacted that the poorer classes shall be sustained by the wealthier, in a liberal and handsome manner, and that suitable and agreeable employment shall be provided by the state for those who cannot obtain employment in the ordinary way, and then the step to regular association is a short and easy one; it remains but to provide means for facilitating production, and more regularly distributing the fruits of industry.

X.

Let us pursue the inquiry a little farther into the question how far the principle involved in the new theory of association is recognised by

modern legislation and the practice of modern society. There are laws to prevent labour on Sunday, and these laws are founded not so much upon religious as political grounds; it being contended that if the labourers were employed the whole week, the market would be overstocked with goods; or fewer hands would be employed, as six persons would do the work of seven; besides which, the mental, moral, and physical condition of the working classes would be made much worse. This reasoning is sound, but then it will be observed that it applies as strongly against excessive labour on the ordinary working days, and it is therefore as competent for the legislature to prohibit such excessive labour, as to forbid working on Sunday.

There are also laws authorising the state to carry on a particular business, to the exclusion of private individuals, viz.—the business of letter carrying; and if it could be shown that any other business could be carried on by the state in such a manner as to benefit society, then such business should be assumed by the State forthwith. For example,—railway and canal traffic might probably be conducted with advantage under the superintendence and for the benefit of the general government. We have instances of this, as far as canals are concerned, in the United States. At some future period the question will be raised whether all great manufactories may not be advantageously conducted according to certain rules and regulations prescribed by the state. Parliament has already undertaken the partial control of these manufactories; when it assumes the full and complete control of them, over-production would be avoided, the supply of labourers limited by a regular and well-defined demand, and wages kept up to a remunerative standard, being, as well as the prices of articles manufactured in those large establishments, regulated by the state, instead of being, as at present, dependent on unlimited competition. A fund also would be provided for the sick and aged, and for widows and orphans. Now manufacturers compete with each other, and glut the market, and the profits are often reduced to little or nothing. The artisans compete with each other, and wages are reduced to a mere pittance. The magnitude of the evil in the great manufacturing towns, increasing as that evil does every year, will before long demand state interference, despite the dogmas of modern political economists. That interference is more practicable in the case of the great branches of manufacturing industry, than in other departments more dependent on isolated individuals. It is here that the great attack will be first made on the present social system, to be followed up by a complete subversion of the principle of competition, and the introduction of that of association and fraternity.

Democracy has done much for the cause of fraternity within the last few years in this country, especially since the partial reform of the representative system. The recognition of the existence of some important

political rights in the body of the people has tended to make a certain degree of humanity fashionable even amongst the aristocracy, and men have learned to look upon each other with feelings less inimical than before. This improved spirit is especially evinced in the attention now being devoted to the means of improving the dwellings of the working classes in the towns, and the more humanised treatment of lunatics, idiots, and criminals. As to persons deprived of their senses, they were until very recently treated as if they were not human beings, no regard being had to any other object than that of their safe keeping. Like criminals, they were loaded with chains, and thrust into filthy cells.

Our prison discipline, until the Americans set us a better example, was a suitable characteristic of our system of government.

Before the recent partial introduction of democratic principles—that is to say, before the passage of the reform act—the most odious and brutal sentiments were rife in the community, and public opinion was not shocked by the most disgusting barbarities perpetrated in the sacred name of Justice. Poor wretches were publicly whipped through the streets, so that their shrieks and cries might terrify wrong doers; convicted criminals and untried prisoners were huddled together; and North American Indian cruelties were surpassed by persons calling themselves Christians. Thousands of Englishmen even now desire to restore this system; they object to the humane treatment of criminals, and all attempts to put them in a way of obtaining an honest living, upon the ground that the terrors of the law ought to be kept up. The same parties object to general education, upon the ground that the people are more contented in a state of ignorance. These atrocious sentiments were, before the dawning of democracy, almost universal.

The principle of association is being extended every day—it is seen in joint-stock companies, insurance offices, and benefit clubs, and in a hundred other different forms. In London, public baths and washhouses are provided for the people in many districts, and supported partly at the cost of benevolent individuals; also model lodging-houses, where for a low rent comfortable apartments, of a very superior character, can be obtained in a healthy neighbourhood. Here we perceive the benefit of co-operation on a small scale. The wealthier classes live sumptuously in clubs, at a moderate expense.* In the United States it is customary in the cities for

* Sir E. L. Bulwer, in his "England and the English," vol. i., p. 153, suggests that great advantages may be derived from clubs; that they contain the germ of a mighty improvement in the condition of the humbler classes. He foresees that those classes will sooner or later adopt institutions so peculiarly favourable to the poor. By this species of co-operation, says he, the shopkeeper, or the artisan, and the man of £50 a year, might obtain the same comforts as a man of £500. And he adds, that if the experiment were made by the middle and lower classes in a provincial town, it could not fail of success. He further observes, that such an association might be managed by a committee; the saving of the labour now wasted in individual exertion would be immense; more abundant food and better cooking would be secured, as well as the pleasures of society. Improvements would be effected from time to time in the system of management, and from the success of this experiment newer and more comprehensive results would arise.

people to board at hotels and large boarding-houses, at which the meals are taken in public; they thus avoid trouble and expense, enjoy a great variety of food, and have the pleasure of a numerous acquaintance of fellow-boarders. The factory-girls of Lowell, Massachusetts, live in boarding-houses provided by, and under the superintendence of, the factory owners, and this is one of the reasons for their superior condition—physical, moral, and mental—as compared with that of the English factory population.

XI.

The principle of co-operation might be introduced with great advantage in the settlement of our colonies. Under the present system of emigration the labourer upon landing in America finds it extremely difficult to obtain employment, whilst those persons who purchase land and devote themselves to agricultural pursuits, live in an isolated state, and undergo great privations in clearing the forest. For want of neighbours the children are without education, no roads are made, the place of worship is remote, it is difficult to obtain medical assistance, and there is an absence of the ordinary comforts of life.

Comparatively, but few persons possessing a little capital are willing to undergo these privations, besides encountering a total change of climate and scene, and many of those who have courage enough to plunge into the interior of a new country, heartily repent their determination, at all events for the first few years. Much has been said upon the evils of the present system of emigration and the necessity of systematic colonization.

The only system which we, having some personal acquaintance with the subject, feel disposed to recommend for general adoption is this:—A company should be formed, and a committee appointed, to select suitable persons of different occupations to form a settlement. A surveyor should be employed to select a good tract of land, in a healthy district, well supplied with water, and within an easy distance from a town. A number of persons accustomed to what is called pioneering should then be employed to build log-huts, and bring a part of the land into cultivation, so that the emigrants may have a place prepared for them to go to. On their arrival in the colony, they should co-operate together, for the purpose of erecting more suitable dwellings, bringing more land into cultivation, and otherwise for the general welfare, for a certain period, say five years, at the end of which the whole tract, with the buildings and so forth, should be divided, according to the terms and in the manner agreed upon by the company at the outset. During the continuance of the co-operation, the parties should take their meals together, as they do in American hotels, and a supply of necessary clothing should be provided for all such as chose to apply for it. As to the government of the company, that must be provided for by the articles of copart-

nership. In case of the death of a member, his family should be entitled to the benefit of his share, and in case of his sickness he should sustain no loss; so that each member should for himself and his family be guaranteed support by the community during the continuance of the partnership, and a proportionate share of the profits of the undertaking at its termination. The terms of admission into the community might vary according to the age and ability of the parties, the number of their families, and other circumstances; and the agreement for the distribution of the property at the end of the five years would also be controlled by similar considerations. An equitable rule should be provided for the case of persons desiring to retire, or whom the community might desire to expel.

It is probable that the advantages of co-operation being thus made manifest, some at least of the parties, at the end of the five years, having had abundant opportunities for becoming thoroughly acquainted with each other, would form a regular and permanent co-operative community on the true basis of equality.

CHAPTER XXVI.

THE MISSION OF DEMOCRACY—(continued).

- I. What ought to be the effects of Machinery—How the Working Classes will regard the present System—Capacity of England to Sustain its Population—Want amidst Plenty—Triumph of Vice—Suppression of the Finer Feelings—Necessity of Prostitution.
- II. Corruption caused by living in crowded Towns—Jarring interests among Men—Vitiation of Moral Feelings—Small number of Persons Dying from Age and Debility—Causes of Disease and Premature Death—Consequences of Sedentary Occupations.
- III. Unhealthiness of crowded Towns—Miserable condition of great Towns—Confined Atmosphere, and want of Exercise—Tailors, Milliners, Clerks, &c.—Factory Children—Over-exertion, and its consequences upon Body and Mind.
- IV. Reward of Labour—Conditions of Miners and Artizans employed in Unwholesome Occupations—Actual Misery and Degradation of the great mass of Mankind.
- V. Vice caused by Poverty and Distress—Want of Leisure and Opportunity to cultivate the Mind—Conduct of the Clergy with respect to the Social System—Respect paid to Wealth—Evils arising from Inequality of Wealth—Evils to the Rich; to the Poor.
- VI. *The Mischiefs of Families living separately*—Want of Equality, Division of Labour, and Combination—Jealous Privacy, and Hostility to Neighbours—Natural Inclination to Fraternity Suppressed—Consequences of Fire, Robbery, the Death of the Head of the Family, &c.—Inconvenient and Crowded Apartments—Coarseness of Manners—Destruction of Social Affections—Ignoble Topics of Conversation—Unsuitableness for Children—Waste of Labour—Want of Suitable Employment for Women—Necessity of Servants—Deadly Passions generated.
- VII. *The Mischiefs of Separate Interests and Competition*—Illustrations of the System—Selfishness—Competition the source of Vice and Misery—Unprofitable and Injudicious Modes of Exertion—Hindrance to the Progress of Improvement in Science and Art—Discouragement of Genius—The Production of Necessaries not governed by the Wants of Mankind—Starvation amidst Plenty—Consequences of Competition for Employment.
- VIII. Picture of the effects of Competition—A Fable.
- IX. Argument in Defence of Competition—Stimulus of Self-Interest—Insufficiency of this to secure the general Comfort and Well-being—Sufficiency of the Stimulus to Exertion in Co-operative Communities.
- X. Impossibility of a Continuance of the present System.
- XI. How overwhelming Competition among Labourers was prevented in former times—Necessity at the present time for the State to employ great numbers of persons as Soldiers, Sailors, &c., who would otherwise be unemployed—War a necessary consequence—Opinion that War, Pestilence, and Famine are necessary Evils under the present system of Society.

I.

Machinery should reasonably abridge toil, and leave leisure for intellectual and moral improvement, with its concomitant enjoyment; but

such have not been its effects. It is in vain to imagine that the working classes as they become educated will contentedly endure the misery and privation which grow out of the present system of social order. They will regard that system as quite unsuitable to the change which time has wrought in the condition of society. They will not consent to live under a system in which the "provident regulations of nature are repealed, which tells them that their labour is not wanted; that the earth's produce is already appropriated to the few who possess wealth; that no more labourers are required than to procure for those few the comforts and elegancies of life, and that to starve is the punishment justly due to all others for their intrusion."

Many of the subsequent remarks are extracted from the works of celebrated authors, with some slight alterations; and it is believed they will be found very valuable in the examination of this great question.

The following table, made by Mr. Comber, some years ago, gives the results of his computation of the extent of land in cultivation in England and Wales:—

"Of land used for human nourishment, there is of

	Acres.
Wheat	3,300,000
Potatoes, turnips, carrots, and cabbages ..	1,300,000
Fruit and kitchen gardens	141,000
Nursery grounds	9,000
Ways, waters, &c.	1,300,000
	<hr/>
	5,950,000

Of land used for the subsistence of cattle, for raising the basis of stimulating liquors, and land otherwise useless, there is of

	Acres.
Barley and rye	1,000,000
Oats and beans	3,000,000
Clover, rye, grass, &c.	1,300,000
Fallow	2,300,000
Hop grounds	34,000
Pleasure grounds	16,000
Land depastured by horses, &c.	17,000,000
Hedgerows, copses, and woods	1,600,000
Commons and waste lands	5,084,000
	<hr/>
	31,238,000

And in the whole of Great Britain and Ireland there is of good, yet uncultivated land, 28 millions of acres, and which, if cultivated, would be worth 35 millions per annum, and support 60 millions of human souls."

Such are the strange inconsistencies of the present system.

Though a considerable superfluity of food and raiment is produced, it cannot reach those who have not the money to purchase it; thus the

great mass of the people is struggling to obtain these necessities, and many are obliged to commit depredations or practise dishonesty to satisfy the calls of nature. Who can be so simple as to believe that poverty can exist in this country without crime? or that this country will ever exist without poverty, while one man with the aid of a little machinery can create food for forty men, and raiment for a hundred?

In the present state of society, prudence is the only virtue. Goodness of heart but leads to man and woman's destruction; the finer feelings and affections must be restrained within the smallest possible compass, if we would avoid self-destruction. Those who prosper most are the time-servers, the impostors, the puffers, and the quacks of every profession; to be rich is to be wise, and tyranny is honourable: and though little thefts and petty mischiefs are interrupted by the laws, yet, if a mischief become public and great, acted by princes, and effected by armies, and robberies be done by whole fleets, it is virtue, and it is glory.

If prostitution is accounted a crime, then it is society that produces it. As now framed, it is one of its necessary evils. The many vocations among men that are incompatible with living in the married state, such as servants, assistants, sailors, and soldiers, cause the existence of a class of females which is absolutely necessary for the natural vent of those passions with which man is gifted.

II.

One great cause of human corruption is the living in crowded towns, where the contagious nature of bad example, and the extreme difficulty of avoiding the seductions of vice by being brought into close and daily proximity with the basest part of the people, forms a constant source of contamination. Whatever we may think of the strength of virtue, experience proves that the higher orders are indebted for their exemption from atrocious crimes or disorderly habits chiefly to their fortunate removal from the scene of temptation, and that when they are exposed to the seductions which assail their inferiors, they are no way behind them in yielding to their influence. The number of offenders lessens the disgrace of the crime, for a common reproach is no reproach. Hence, in populous cities, the frequency of adultery, drunkenness, and robbery.

A fruitful source of crime consists in the many jarring interests among men. The lawyer has an interest in the promotion of civil strife; the medical practitioner in the increase of disease; the clergyman, the soldier, the placeman, desire the death of their superiors, that they may obtain preferment; the young that of the old, that they may inherit their riches, their honours. Capitalist competes with capitalist, workman with workman, retailer with retailer; and in this contest, not for happiness, but for support, and for the means of rising each above his neigh-

bour, every sound moral feeling is vitiated, every dissocial impulse called into habitual activity. And then the efforts, the struggles, the madness, the despair, of those who do not succeed, but who sink in the worldly strife!

"From the registrar's report of deaths occurring in London and its environs for the year 1838, we find, that out of 18,260 deaths, there were but 1,820 from age and debility; thus we see that it is the common lot of man, in the present state of society, to close his existence by some miserable disease, with all his faculties and sensations acute to the knowledge of approaching dissolution. This cannot accord with the intention of a benevolent Creator, who has so constituted man, that after a long period of years spent in natural enjoyments and duties, his mental and physical faculties conjointly decay, and he passes from this world as imperceptibly as he came into it.

The causes of so much disease and death will be found in the congregating of large numbers of men into crowded cities, living in an atmosphere loaded with impurities—ill-assorted and untimely marriages—sedentary and unwholesome occupations—intemperance—the use of adulterated food, and of high-seasoned and indigestible viands, taken more-over hastily in the short intervals allowed by the hurry and turmoil of business—constant and excessive mental excitement kept up by luxurious habits—great intellectual exertion combined with bodily inactivity—the violence of the passions, such as envy, ambition, love, covetousness, which are constantly stimulated by intercourse with society. Great Britain, it seems, is the only European country destitute of a medical jurisprudence, and in which, while property has been protected by sanguinary and inhuman laws, the public health has been allowed to shift for itself, else, why are 250,000 prostitutes allowed to engender a loathsome and destructive disease throughout the land without check?

Nothing promotes appetite more than moderate exercise in fresh air, and nothing is more adverse to it than sedentary occupations in close towns, and ill-ventilated apartments; yet to such situations great numbers of the human race are doomed, and the effects are but too visible in their pallid countenances and their feeble frames, and but too acutely felt in the misery that results from the languid manner in which all the vital functions are performed. As long as society is constituted as it is at present, the great majority of the people appear to possess no means of escape from these terrible evils.

III.

"The aggregation of human beings in one spot is, of all others, the most common cause by which the healthful properties of the air are impaired and destroyed. The fact is established by the registrar's annual report of births and deaths. In London and twenty-four other towns,

containing a population of 3,533,000, the deaths in six months were found to amount to 47,953. Whereas, in rural districts, containing a population of 3,500,000, the deaths in six months were but 29,693.

"From other statistical reports lately published, we have accounts of the state of certain districts in which our artizans are located, and in which disease has been peculiarly prevalent. Among 10,000 houses at Nottingham, 8,000 are built back to back, that is, they are devoid of ventilation. At Liverpool there are 7,862 inhabited houses, described as dark, damp, dirty, and ill-ventilated, lodging one-seventh of the whole population, of whom 39,300 are of the working classes. In Manchester, of 123,232 workers, 14,960 live in cellars. At Bury, in 773 houses there was only one bed for four persons; in 207, one bed for five persons; and in 78, one bed for six persons. In Bristol, 46 in every 100 of the working classes have but one room for a family. In Leeds, of 17,800 houses, 13,600 are under £10 rent; in the North-east Ward, containing 15,400 of the working classes, three streets have sewers, twelve have them partly, and thirty-eight have none. In Glasgow, 21,800 persons had fever in the year 1837, and here 30,000 Irish and Highlanders live in cellars and attics; 10 to 20 persons of both sexes lying together on the floor every night. Multitudes of young girls have applied to Captain Millar, the head of the Glasgow police, to rescue them from these horrible scenes, in which two or three years served to harden them in vice, and hurry them by disease to an untimely grave."

Though all inhabitants of large towns suffer, in a greater or less degree, from the impurity of the atmosphere, yet it is obvious that those who are most crowded together will be chiefly affected, particularly if ventilation be imperfect. A serious addition to the evils of confined atmosphere is the deficiency of muscular exercise. Certain classes of muscles are for twelve or fourteen hours a day scarcely moved, and postures maintained injurious to the proper action of the internal organs.

Tailors are unfortunately situated in this respect. At an employment fit only for females, sitting all day in a confined atmosphere, and often in a room too crowded, with the legs crossed and spine bowed, they cannot have respiration, circulation, or digestion well performed. The employment, we must admit, produces few acute cases; but disorders of the stomach and bowels are general, and often obstinate. Pulmonary consumption is frequent. Some of the men state their liability to pains in the chest, but the majority make no complaint. It is nevertheless apparent, even from observing the expression of countenance, the complexion, and the gait, that the functions of the stomach and heart are greatly impaired, even in those who consider themselves well.

Milliners, dress-makers, and straw-bonnet makers, are often crowded in apartments of disproportionate size, and kept at work for an improper length of time. Their ordinary hours are ten or twelve in the day, but

they are confined not unfrequently from five or six in the morning till twelve at night. The bent posture in which they sit tends to injure the digestive organs, as well as the circulation and the breathing. Their diet consists too much of tea and slops, and too little of solid or nutritive food. From these causes collectively we find girls from the country, fresh looking and robust, soon become pale and thin. Pains in the chest, palpitations, affections of the spinal and ganglionic nerves, and defect of action in the abdominal viscera, are very general. The constant direction of the eyes also to minute work affects those organs. Sometimes it induces slight ophthalmia; and sometimes, at length, a much more serious disease, palsy of the optic nerve. The great cause of ill health of females who make ladies' dresses, is the lowness of their wages. To obtain a livelihood they are obliged to work in excess.

Clerks, bookkeepers, and accountants suffer from confined atmosphere as much as fixed position, and often also from long days.

Factory children.—The employment of young children in *any* labour is wrong. The term of physical growth ought not to be a term of physical exertion. Light and varied motions should be the only effort,—motions excited by the will, not by the task-master,—the run and the leap of a buoyant unshackled spirit. How different the scene in the manufacturing district! No man of humanity can reflect without distress on the state of thousands of children, roused from their beds at an early hour, hurried to the mills, and kept there with only the interval of an hour, till late at night. Kept, moreover, in an atmosphere impure, not only as defective in ventilation, but as loaded with noxious dust. Health! cleanliness! mental improvement! how are they disregarded!

Well paid workmen, who may be liberally paid by the piece, are tempted to overwork themselves, and to ruin their health and constitution in a few years. This is the case of porters, coalheavers, carpenters, mowers, and many common labourers. The double wages paid to country labourers during harvest, or to tailors during a general mourning, are frequent sources of permanent injury from the inducement they offer to over-exertion.

It may be easily shown that the culture of health is intimately connected with the cultivation of morals.

"A sound mind in a sound body," is proverbial; superstitious fears, slavish notions, weak compliance, indolence and negligence, as often arise from bodily debility as vicious principle.

When the workman returns at night, the sensorial power is worn out with intense fatigue,—he has not energy left to exert in any useful object or any domestic duty, he is fit only for sleep or for sensual indulgence—the only alternative his leisure knows; he has no moral elasticity to enable him to resist the seductions of appetite or sloth; no heart for regulating his household, superintending his family concerns, or en-

forcing economy in his domestic arrangements ; no power or capability of exertion to rise above his circumstances or better his condition. He has no time to be wise, no leisure to be good ; he is sunken, debilitated, depressed, unnerved for effort, incapable of virtue, unfit for everything but the regular, hopeless, desponding, degrading variety of laborious vegetation, or shameless intemperance.

IV.

The most obvious division of society is into rich and poor, and it is no less obvious that the numbers of the former bear a great disproportion to the latter. It is a law as constant as invariable, that those who labour most enjoy the fewest things, and that those who labour not at all have the greatest number of enjoyments. A constitution of things strange beyond expression ! We scarce believe a thing when we are told it, which we actually see before our eyes every day without being the least surprised. We suppose that there are in Great Britain upwards of a hundred thousand people employed in tin, lead, iron, copper, and coal mines : these scarcely ever see the light of the sun ; they are buried in the bowels of the earth ; there they work at a severe and dismal task, without the least prospect of being delivered from it. But this is nothing to that which the rest of the world affords. Millions daily bathed in the poisonous damps and destructive effluvia of lead, silver, copper, and arsenic, to say nothing of those other employments, those stations of wretchedness and contempt, in which civil society has placed the numerous *enfants perdus* of her army. Would any rational man submit to one of the most tolerable of these drudgeries for all the artificial enjoyments which policy has made to result from them ? By no means. And yet we need suggest that those who find the means, and those who arrive at the end, are not the same persons ; but the blindness of one part of mankind, co-operating with the frenzy and villany of the other, has been the real builder of this respectable fabric of political society ; and as the blindness of mankind has caused their slavery, in return, their state of slavery is made a pretence for continuing them in a state of blindness ; for the politician will tell you gravely that their life of servitude disqualifies the greater part of the race of man for a search of truth, and supplies them with mean and insufficient ideas. This is but too true, and this is one of the reasons for which we blame such institutions.

In a misery of this sort, admitting some few lenities, and these, too, but a few, nine parts in ten of the whole race of mankind drudge through life. If every man's fate were perfectly recorded, what a melancholy aspect of human life in general should we then have ! Out of one hundred human lives, not one would exhibit a cheerful picture, not one could wish to live his life over again. Every one may ask the histories of his own family and acquaintances, and see what heart-rending scenes,

and moanings, and sufferings, have stepped into the place of their fondest hopes. This alone is the true touchstone of the merits of our much-praised constitution.

Let it not be said that this is taking a one-sided view of the question. Although we acutely feel our own miseries, we do not easily perceive the extent of the miseries of others; one half the world knows little how the other half lives. In our daily walks, the sights of misery are hidden from us—we see only the holiday part of the world; but the eye of the humane pierces through the walls of the gaol, the workhouse, the hospital—the houses for the mad, the deaf, the dumb, the blind—the by-lanes and alleys, the dens of poverty, contention, and crime; where the name of home is a sheer mockery—where wretchedness herds with wretchedness, pent up amidst filth and contamination. The sores of society are hidden from our eyes, for Charity has bandaged them over.

V.

Almost all the worst vices, the most unprincipled acts, and the darkest passions of the human mind, are bred out of poverty and distress.

The primary springs are poverty, ignorance, and a demoralizing course of prison discipline. On the first point it may be sufficient to state that at the present moment the most moderate computation shows that one fifteenth part of the adult female population is subsisting by the lowest and most degrading prostitution. One-fifteenth of the whole population have no means of living but by robbery, swindling, pick-pocketing, and every species of crime; one-third of the people are what are denominated poor, living from hand to mouth, and daily reduced to the most heartless beggary. In proportion as a people become not only well instructed, but comfortable, in such ratio will they become free from crime, and, morally speaking, innocent. The acquisition of the comforts of life is not merely necessary for their enjoyment, but because without them society must remain in a state of absolute barbarism. This may be easily demonstrated. Where the mind is constantly occupied in providing for the immediate wants of the body, no leisure remains for its culture—the intellectual part of our nature is neglected in the all-engrossing care of providing for its natural wants. The people are mere hewers of wood and drawers of water; and their views, sentiments, and feelings become consequently contracted, selfish, and sordid. Without the tranquillity, leisure, and elegancies of life afforded by a community of property and services, those speculative and elegant studies which expand our views, purify our taste, and raise us higher in the scale of being, can never be successfully prosecuted.

What can the clergy mean by upholding such a soul-murdering system as this? A mass of people whose whole existence is engrossed by bodily labour, necessarily lives under the predominance of

faculties which cannot produce the Christian character. The true practical Christian possesses a vigorous and enlightened intellect, and moral affections glowing with gratitude to God and love to man; but how can the people at large be enabled to realise this condition of mind, if stimulus for the intellect and the nobler sentiments be totally excluded by the daily routine of their occupations.

Whatever men are taught highly to respect gradually acquires the rank of a virtue; well therefore has it been said by a master of philosophy, that the honours of a State direct the esteem of a people; and that according to the esteem of a people is the general direction of mental energy and genius. The consequence of affixing the highest worldly rewards to wealth is, that to be rich is accounted a merit, and to be poor an offence. Nor is this the worst: a false standard of morality is thus created, by which it is made of less consequence to be wise and virtuous than to be rich. How constantly are individuals and families pronounced *respectable*, the favourite pass-word into society, when, if reference were had to their character, to anything but their wealth, they would be entitled to anything but respect. *What* is commonly understood by *good society*? Certainly the exclusion of nothing bad but poverty: it may exclude every one of the virtues, provided there be a sufficiency of wealth. The evils arising from inequality of wealth may be classed under the following heads:—

It diminishes the sum total of human happiness, by subtracting from the mass of happiness of the greater number.

It does not add to the happiness of those who possess the larger shares in any proportion to its amount. A rich man cannot eat or drink more than a poor man; he cannot live longer; he cannot feel more, nor think more—indeed he has less occasion to think; while by indulging in unnatural luxuries, painful diseases leave him without enjoyment of life.

It engenders vice in those having the larger shares, such as sensual excesses—a disregard of all the personal virtues of prudence, an irreclaimable selfishness arising from an over-estimate of their own importance, and of the superior value of their own happiness.

It engenders vice in those having the lesser shares. How should the wretchedly poor be virtuous? What character have they to lose? What hold has the public opinion of their actions? What care they for the delicate pleasures of reputation, who are tormented with the gnawings of absolute want? How should they respect the property or rights of others, who have no property or rights of their own to beget a sympathy for those who suffer by their privation? How can they feel for others woes, for others passing light complaints, who are tormented by their own substantial miseries?—Cut off from the decencies, the comforts, the necessities of life, want begets ferocity. If they turn

round, they find many in the same situation with themselves, partaking of their feelings of isolation from kindly sympathies with the happy. They become a public to each other, a public of suffering, of discontent and ignorance; they form a public opinion of their own, in contempt of the public opinion of the rich, whom, and their laws, they look upon as the result of force alone.

VI.

The Mischiefs of Families living separately.—A separate family or household may be defined to be a little community, with but little order, comfort, or variety; where good manners are seldom observed, and there is much slavery and oppression; where there are but few of the necessities of life, and much trouble in gaining them.

If we allow the justice and necessity of equality, then the absurdity of separate families must be apparent, for a family cannot live in common comfort without servants, nor in peace without despotism. If we allow the benefits of a division of labour, the separate family system prevents it, for here one person is often obliged to be housemaid, cook, milliner, and nurse. If we allow the power or the economy of combination, then separate families are preventive of all its benefits, for each attempts to do that in itself imperfectly, which would be infinitely better done in a combination of families. The members of these families behold their neighbours as beings of a different kind, and they treat them as such. They show themselves and their apartments only by favour. Windows are carefully blinded to exclude the public gaze from without. An insignificant garden is carefully walled-in from mere jealous privacy, leaving a public eyesore in a dead wall. The houses are prisons in appearance, and the inmates are prisoners in reality.

It is a just observation of Lord Bacon's, that there is in man's nature a secret inclination and motion towards love of others, which, if it be not spent upon some one or a few, doth naturally spread itself towards many; thus the living in separate families necessarily confines our regard from the whole human race. We are shut up within four walls, and anything beyond them concerns us very slightly. We see society as through a microscope, for it is all comprehended in the small circle of our family and acquaintance. Thus it is that our charity begins at home, for there it tells best. A man's thoughts go no further than this; and in providing it a decent maintenance, he imagines he has performed his principal duty as a Christian. Separated from the other conditions of society, he cares very little for them, provided he makes a living for himself;—he looks perhaps enviously upon the richer families around him; or he looks upon the beggar as an annoyance, and keeps his gates locked, that his miserable solicitations may not hurt his feelings. Few persons could sit at a table and enjoy a repast, if at the same table there sat some

famished persons who were precluded from partaking of the viands before them. The difference of condition thus visibly presented would disturb complacency, and be felt as an evil that required removal. Yet how many *know* that, while they are regaling on the choicest luxuries, there are fellow creatures but a few yards off without a sufficiency of even the necessities of subsistence. Is it dullness of apprehension, absence of imagination, or callousness to the welfare of their species, that can make men act so differently under circumstances essentially the same?

Where we have none to see us but ourselves, where we have not daily to look to society at large for approbation, but to a small circle whom we see every hour—there can be no incitement to habits of good breeding, polished behaviour, order, or decency; nay, for the very want of this salutary eye of society on us, how many deeds of flagrant injustice are done in private households, which would not possibly be attempted for shame's sake in a community?

In these solitary unsociable communities we are liable to all kinds of misfortunes. A fire may totally ruin us. A robbery may reduce us to beggary. If any misfortune should befall one of the principals, it injures every individual of the society; should a parent die, the unprotected children fall an easy prey to poverty, crime, and prostitution.

When the husband is suddenly deprived of his wife—the wife of her husband—parents bereft of their children—children deprived of their parents—under the present system, what remains to the survivors? A wreck and desolation of all that before made life desirable; often anguish not to be described or imagined; no friend remaining that feels one particle of interest in all those nameless associations which had been formed with the departed object, and at the same time liable to insult, poverty, and every kind of oppression, and no one inclined to help or relieve. All are individualised, cold, and forbidding; each being compelled to take a hundredfold more care of himself than would be otherwise necessary; because the ignorance of society has placed him in direct opposition to the thousands around him. Under the proposed system, what a reverse will take place in practice when any of these dispensations of life occur! In communities of co-operation, when disease or death assails its victim, every aid is near—all the assistance that skill, kindness, and sincere affection can invent, aided by every convenience and comfort. The intelligent resigned sufferer waits the result with cheerful patience, and thus most effectually parries every assault of disease; and, when death attacks him, he submits to a conqueror whom he knew from childhood was irresistible, and whom for a moment he never feared. He is gone! the survivors lose a sincere and truly valued friend—they feel their loss, and human nature ever must regret it; but the survivors are not unprepared or unprovided for this natural event. They have, it is true, lost one endeared and beloved object, but they have consolation in the cer-

tain knowledge that within their own immediate circle they have many others remaining in intimate union, who are ready and willing to offer their aid and consolation. No orphan left without protectors, no insult or oppression can take place, nor any evil results whatever beyond the loss of one endeared friend from among thousands who remain as dear to us as ourselves.

Where these families are poor, the deprivations and sufferings they endure are more than commonly meets the eye. A family crowded into a single and often narrow apartment, which must answer at once the ends of parlour, kitchen, and nursery, must, without great energy, want neatness, order, and comfort. Its members are perpetually exposed to annoying petty interference. The decencies of life can be with difficulty observed. Woman, a drudge and in dirt, loses her attractions. The young grow up without the modest reserve and delicacy of feeling in which purity finds so much of its defence. Coarseness of manners and language, too sure a consequence of a mode of life which admits of no seclusion, becomes the habit almost of childhood, and hardens the mind for vicious intercourse in future years. The social affections wither amid perpetual noise, confusion, and clashing interests. A man can have few topics of conversation with his wife and children, except their common wants. Of consequence, sensual pleasures are the only means of ministering to that craving for enjoyment which can never be destroyed in human nature.

In separate families, the surrounding circumstances are not fitted for children, nor the children for the circumstances. There is too much difference in age and station for harmony. The parents and servants despotize over the children when young, and the children when they grow up attempt to practise the art which they have been thus taught. The conversation of the adult part of the family is seldom adapted for the ears of the juniors.

The separate family system paralyses the productive powers as to wealth of one half the human race, women, by the waste and other mischiefs of individualism, and renders difficult, if not impossible, that equalisation of rights and duties between the sexes which is necessary for the equal enjoyment and greatest happiness of all. Fires, meals, and all the little items of domestic drudgery, must be prepared and done at stated hours; which duties, by proper scientific arrangements, one woman could perform as well for two thousand families as for one only. The magnitude of this loss is appalling: suppose it to be but one-half of woman's time, it is one-fourth of human effort; for machinery now so completely supersedes the necessity for mere animal strength, in all the more delicate and valuable exertions of human industry, that women, if equally trained, might be as productively employed in them as men. While women continue to be condemned to the seclusion and drudgery

of half-idle slaves, all their actions liable to the arbitrary control of other human beings, their exertions and duties limited to looking after the domestic comforts of their masters and children, they will never rise in the scale of social existence. To be more respected, they must be more useful.

The separate family system causes the existence of an oppressed class of persons, called servants; these are exiled, perhaps solitarily, in the kitchen, where the lady of the house shows her gentility by treating them contemptuously, the children by despotizing over them, and the young masters by taking personal liberties with them. They are expected to be patient of all insult, to govern their tempers towards those who never govern their tempers towards them. They are necessarily despicable in their deportment; for were they to show a proper resolution and generous indignation, it would be deemed insolence.

It may be objected that the separate family system is the nursery of the finest feelings of human nature, of tenderness and affection, of filial and fraternal love. But it must be allowed that this is true only among families whose comfortable circumstances and good dispositions aid the development of these feelings; the generality of them form a continued scene of strife and contention, of bickering and hatred. The most deadly passions are too often generated, because there are no means of separating ourselves from such connexions. The husband will sometimes desire the death of an ill-tempered and aggravating wife, knowing that that is the only mode of ridding himself of the annoyance in this world. In the same way, a wife may desire the death of a cruel and faithless husband. The parent will desire the death of his children whom he can but miserably support; and the children, if needy, will desire the death of their parents, where that will bring them any patrimony. If such horrid and unnatural feelings can be generated by this system,—and who can deny it?—perish such a system altogether.

Others may object,—If we forsake living in private families and associate together, we must always have a watch on our deportment, which would be most tiresome; and from being constantly in public company, our character, whatever it may be, will be publicly known. True; and this very overlooking will beget a purity of mind and manners beneficial to all. It will destroy the race of consummate hypocrites, who, while they assume the angel abroad, are yet very devils at home.

VII.

The Mischiefs of Separate Interests and Competition.—All the law is fulfilled in one word, even in this, "Thou shalt love thy neighbour as thyself."

Suppose a number of naked and destitute persons were to apply to me for relief, and that I had a cloak and a loaf for each, but instead of

giving them every one his cloak and loaf, I were to put the whole together, and throw them among them indiscriminately. A scramble would perhaps ensue, some carrying away many cloaks and loaves, and some left without either; you would say that those who took more than their share were brutishly greedy and unjust; but it is precisely the same in the world, on which Heaven has bounteously bestowed much more than is sufficient for our comfort and happiness; but in the undignified, greedy scrambles for its favours, the avarice and cunning of a few, and those too claiming the distinction of nobility and gentility, have left the rest of mankind destitute.

Or suppose, as a lecturer, I had some interesting object to display to my audience, and that, instead of arranging themselves quietly on the seats put for them, and where they might every one have a proper and sufficient view of it, they were every one to rush forward, and pushing, elbowing, and pressing on each other, were to strive to obtain a close inspection; it may be easily guessed, that though some half-dozen, by great labour, would attain their object, the rest of the audience, however numerous, would never obtain a glimpse. Thus it is in society, where every man, in rushing forward to place himself in the unnatural sphere of useless, idle gentility, elbows and tramples on his weaker and less cunning neighbour;—a few attain the fought-for place, or something near it; the rest find themselves destitute and enslaved, while every one's temper is ruffled and soured in the mean scuffle.

"Competition retains the principle of selfishness necessarily, warring with the principle of benevolence as the leading motive to action in all the ordinary affairs of life. Every individual striving for self at the ultimate peril of want, destitution, and death, there is a constant motive operating to regard the interests of others as opposed to his own. There is therefore a constant temptation to sacrifice the interests of others to his own as often as it can be done, by whatever means may seem necessary to accomplish the end. Hence, the necessity of the interference of law, with its brutal punishments, in order to counteract this tendency of selfishness. Not only is competition the great source of sin and wickedness, but it is destructive of the mission of Christ, "Peace and good will to men." How can a man love his neighbour as himself, when that neighbour is swallowing up all his custom? How can one shopkeeper love another, when he sees him resorting to all sorts of schemes to take away his trade? How can a workman love his employer, when he sees him curtailing his wages to the lowest? or how can the employer love his workmen, when he sees them combining to prevent him? Thus every labourer, artisan, and trader, sees a rival and an enemy in every other labourer, artisan, and trader.

"Competition ever has been, and ever must be, the fruitful source of vice and misery: it exhausts the energies of man in fruitless and unne-

cessary toil ; it corrodes and cankers the mind, and engenders the worst passions of which human nature is capable ; it loads the few chosen favourites of fortune with excessive wealth, and keeps the bulk of mankind in indigence and want ; it creates a bloated and unnatural monster of monopoly on one side, and, on the other, starvation and death ; and science, in its progress, will increase the evil ; it will sharpen the edge of competition, and multiply its powers of mischief until it has borne down and destroyed the present system of society altogether.

Competition leads to unprofitable or injudicious modes of individual exertion, from the limited field of judgment open to individual minds. It obstructs the progress of useful physical and moral education, by the prejudices and despotism of domestic control, rendered overwhelming by command of individual property ; and it also obstructs the progress of general knowledge from the necessity of concealment, in order to render improvements in science and art tributary to individual gain. Under its oppressive system,

"How many a flower is born to blush unseen,
And waste its sweetness on the desert air."

Talent lays too frequently dormant and uncultivated, or is found in that sphere the least favourable to its active exertion. Genius pines in obscurity, and the most valuable mental energies are wholly lost to society.

Under the competitive system, the production of wealth is limited by the demand which there is for it. The consumers of goods usually apply for them to the retail vendors of them, and the quantity of goods a retail tradesman buys is invariably regulated by the quantity he expects to sell. In the manufacturing of goods, men are invariably regulated by the same principle : it never enters into the calculations of manufacturers, how much cloth would be required to supply the wants of mankind ; it never forms any part of their business to ascertain how many coats the whole population ought to be supplied with in the course of the year, and how much cloth would be required to make them ? Neither do they ask themselves how much cloth they have the power of making ; all they ask, all they require to know is, how much cloth they can dispose of at a profit ; how much will stock the shops and warehouses of their customers ; in other words, how much it is probable there will be a demand for ? It is this, and this alone, which regulates production. When more is produced than there is a demand for, the market is said to be overstocked ; and when there is less produce than there is a demand for, the market is said to be understocked ; without the least regard either to the satisfaction of our wants, or to the extent of our powers of production.

In the competitive system of society, it matters not whether a country be rich or not to the great mass of the people ; these must live or starve, just as their services are required or not by the possessors of

money, and not according to the quantity of provisions there may be in the country. As an example, we give the report of a committee of inquiry on the late famine in Ireland, which destroyed many thousands:—"In the districts to which your committee have already adverted, the potato crop, which furnishes the general food of the peasantry, had failed, but there was no want of food of another description for the support of human life. On the contrary, the crops of grain had been far from deficient, and the prices of corn and oatmeal were very moderate. The export of grain from ports within the distressed districts of Ireland was considerable during the entire period from May to August, infinitely exceeding the imports during that period; and those districts in the north and west presented the remarkable example of possessing a surplus of food, while the inhabitants were suffering from actual want." Thus, there was plenty of provisions; but the people were so poor, that they were reduced to live on the cheapest and coarsest of food, potatoes; and, when these failed them, they had not wherewith to buy the wheat and oatmeal being more costly, and consequently died of starvation! That savage tribes, ignorant of the means of production, disinclined to labour, should be overtaken by want, were no matter of surprise; but that where art and nature had run, as it were, a race of emulation in the prodigality of their gifts to intelligent and industrious millions—that these millions should be disenabled from enjoying the products of their own creation—this is the mystery—this the astounding spectacle.

Competition for employment enables manufacturers to reduce wages—to increase the hours of working—makes one man do the work of two—children the work of adults.

Competition operates most mischievously in grinding the poor and in depressing the great mass of the already depressed productive and manufacturing classes. Suppose the supply of a manufacture is abundant, and that some of the sellers have more than their usual quantity to dispose of; finding that their stock on hand rather exceeds the usual amount, they naturally feel impatient to begin selling; they therefore try to force the market; to tempt the buyers they offer their goods at something less than the accustomed prices;—the stone having once begun to move, it rolls to the bottom of the hill. One man cannot sell dearer than his neighbour, and if he attempt it no one will deal with him; in self-defence he also reduces his price;—the example spreads rapidly among all the sellers; and thus, from the circumstance of one or two persons having rather more to sell than usual, the price of the whole commodity in the market is reduced, and fewer persons can live by that trade than before, the profit on what they exist by being lessened. Precisely the same principle governs the market of labour. Suppose, in a body of 1,000 workmen, there are fifty equally good with the rest who cannot find employment; in this instance, the rate of wages will not be

determined by the 950 employed, but by the fifty unemployed. As a matter of course, masters will employ those whom they can hire at the lowest wages; if the fifty unemployed offer to work for 20s. in lieu of 25s., they will discharge that number of their present workmen to make room for them; those discharged, urged by the same necessities as their unemployed predecessors, will in the end offer themselves at 20s. a week, and thereby supplant fifty more of their employed fellow-workmen. In this manner, the reduction of wages will extend through the entire trade; the trifling redundancy of fifty workmen, like a trifling excess of commodities in the market, reducing the wages of the entire body of operatives.

VIII.

An admirable picture of the effects of competition is given in the following fable by Mr. Morgan :—

It happened some thirty years ago, that a few of the bees living on the Pentland Hills manifested a desire to change the policy they had hitherto pursued. About a hundred bees from each hive, being assembled, the president rose, and stated the objects of the meeting. He said that it was unjust that those bees who were more active workers than the others should not have a larger share of the honey; that the weak and impotent should derive an equal portion of the produce with those who ranged the fields; and that even among those who toiled the whole day no distinction was made between the successful wanderer and him who brought in but small supplies. To remedy these evils, he proposed :—

1. That each bee should reserve for his own use and disposal all the honey he collected.
2. That the Pentland Hills be divided into different districts, and that each hive have its particular allotment.
3. That each allotment be subdivided, and a subdivision appropriated to each bee.

To this it was objected by one of the speakers, that if some were more weak and feeble than others, it was the dispensation of Nature; and how could the superior efforts of the active and strong be better directed, upon principles of equity and benevolence, than in supplying the deficiencies of those whose necessities were occasioned by unavoidable causes?

The just reasoning of this appeal was borne down by clamour. A week had hardly elapsed before a few of the more powerful or fraudulent bees had accumulated to themselves a much larger portion of honey than they could consume; they had already become surfeited, indolent, and unhealthy, by the quantity they had devoured; and, although they perceived that the weak were almost famished from being unable to collect sufficient for their subsistence, they would not part with their

superfluity but upon condition that the destitute bees should surrender to them all right in their individual portions of the Pentland Hills, and in future gather honey only for the affluent, receiving as a reward for their excessive toil just so much honey as the affluent should agree among themselves to dispense.

Under this arrangement, the aggregate quantity of honey continued to increase far beyond the consumption, until the wealthy bees had no inducement to augment their stores. But how were the destitute to obtain a portion of those stores, since the affluent would not part with any unless in exchange for the produce of their labour, and of which produce they had now too great an abundance. It so happened that, with the distempered state of body arising from repletion and indolence, new and fanciful desires were engendered, and of which the destitute were called upon to furnish the means of gratification. Not content with the clothing Nature had provided them, the affluent desired peculiar garments and ornaments, for which it became necessary to explore all parts of the earth.

The destitute bees, seeing no prospect of obtaining support but by their exertions to satisfy the factitious desires of the wealthy, and having parted with the right to their portions of the hills, set out in pursuit of the various articles in request. Some were compelled in distant climes to descend into mines, to the irreparable injury of their health; or if the bees in foreign countries were disposed to procure the minerals, they demanded honey in exchange. This gave rise to exportation, and increased the toil of the destitute at home, while others contracted diseases, and lost their lives in the fabrication of whimsical and useless articles.

The unequal division of the honey did not long continue without discontent, and leading to a complicated state of things widely differing from the harmony and orderly movements in the hives under Nature's system. Many disputes arose for the possession of the honey—those whose stores were abundant were in continual alarm from the fear of plunder. Hence, it became necessary to set apart a certain number whose sole business it was to adjust differences, and to award punishment to delinquents.

It was not unusual for the wealthy bee to be attacked and robbed by one who was famished, and who stung him to death in order to avoid detection; the assailant, however, seldom escaped eventually, and when brought to trial, was condemned to die. Thus, the community was deprived of the aid of two individuals, who, under the ancient policy, might have proved friendly and industrious companions.

The longer the new system continued, the more complicated and confused became the proceedings of the hive, and numberless were the laws enacted to correct the growing evils. The necessity of these laws, however, could be traced almost exclusively to the unequal division of

the honey. The laws were framed by the wealthy bees, who, for the purpose of giving a colour of justice to the principle upon which legislation was regulated, permitted the impoverished to nominate those among the wealthy whom they preferred as lawgivers; nevertheless, their choice was greatly influenced by the affluent, who gave to them small portions of the honey to vote in obedience to their wishes. But, with the destitute, so strong was the temptation to satisfy the calls of hunger by any means within their reach, that other restraints were deemed necessary.

The ecclesiastes were appointed to their office by the powerful bees—they were taught to inculcate the doctrine of passive obedience as an imperative duty—they even inferred that the existing unhappy state was ordained by Providence, and therefore immutable. The evils then prevalent in the hive they attributed to the conformation of the bee; the qualities were inherent to his nature—they were born in him.

Evils continued still to multiply. The affluent bees, by indulging a propensity to control the conduct of others, had acquired a love of power and dominion which appeared insatiable. Not content with the influence they had obtained within the hive, and the allotment therewith connected on the Pentland Hills, they desired to increase their territories, and the number of their dependents. Thus it was that they availed themselves of the slightest pretext for directing an attack upon the more peaceable bees of another district; and although, after many days' fighting, and the sacrifice of many thousands, each party retained their former possessions in a very spoilt condition, yet the wars were frequently renewed. Justice was out of the question, as it was a mere trial of strength; but, if perchance any advantage was obtained by either party, no benefit whatever accrued to the indigent bees in becoming subject to another ruler; on the contrary, these contests were productive of much more thralldom and misery.

At last, it happened that an ingenious bee invented a machine by which he could elaborate honey and wax in large quantities, with the aid of a few workers only. This scheme was imitated by others to such an extent, that the working bees, instead of having too much employment, could not now get any, and they began to starve in great numbers, though, at the same time, honey was accumulating in large quantities—more, in fact, than the hive could consume. For a little while again they were fully employed, and seemed to go on more prosperously, in consequence of the hives in other countries sending for their surplus of honey. But when the foreign hives, seeing the comparative prosperity of these, began themselves to manufacture honey by machinery, employment totally died away; the working bees died too, and the population of the hives dwindled to a few rich bees, and their labourers and servants.

IX.

In defence of competition, it is urged, "That self-interest is the most powerful stimulus that can be applied to excite the industry, and to sharpen the intellect and ingenuity of man, and each individual can, in his local situation, judge better what is advantageous and useful for himself than any other person." The truth of this is unhesitatingly denied. If each man were supported by his own unassisted industry, if each of us were fed, clothed, and lodged by the labour of our own hands, this proposition would be true; but as soon as a man becomes a member of society, so soon as he consents to form a part of one stupendous whole—instead of being to himself a whole—from that moment a controlling and directing power is essential to the right working of that individual part. The experience of every age and of every nation has proved that a man can no more fix himself in that particular station of life which is best suited either to his individual interest, or to the collective interest of society, without the aid of a directing power to regulate the proceedings of the whole society, than can a bar of iron convert itself into a spring, or wheel, or screw, as it happens to be most wanted for a piece of mechanism. To be industrious is nothing; we must work with, instead of against, our fellows, before we can work effectually either for their interest or for our own.

As regards emulation, we shall no doubt find a healthy exercise in the springing up of every new community, which will endeavour to have something superior in its constitution—to surpass any which has been before established; these will form goals to be attained by the other communities, and be surpassed in their turn, and a sufficiently powerful impulse will be gained towards their perpetual improvement, without having the unnatural and painful stimulus of poverty and inequality.

Again, in these institutions, where every person will receive a polished education, vivid ideas of whatever is beautiful and whatever is virtuous will cause the members to conduct themselves and their institutions as closely as possible after the standards of perfection. We cannot suppose that a body of well-educated persons will ever retrograde in the march of civilisation.

The system of individual and unequal interests can only be rationally supported on the supposition that each person is rewarded according to his merits. Now, in this respect it totally fails, for all agree that want of fortune is not a disgrace to a man; while, if this system of competition and individual interests dealt rewards and punishments justly, a man's wealth or poverty would be a criterion of his deserts, which experience most unequivocally contradicts. Here, then, in a particular which at first sight it seems fully calculated to accomplish, it totally fails. What stimulus to good conduct does this system give to the ragged, houseless

wretch, born to poverty and contempt? How can he better his condition? Yet he is a man—he too possesses faculties and energies as capable and as deserving as those of the proudest; he is naturally as capable of giving and receiving happiness, and has as much right to the enjoyment of it as any other man whatever. Indeed, how many are there without the pale of society altogether? There are thousands on whom the stimulants of competition cannot have the slightest influence. “How large a portion of your population,” says Southey, “are like the dogs of Lisbon, unowned, unbroken to any useful purpose, subsisting by chance or prey, living in filth, misery, and wretchedness, a nuisance to the community while they live, and dying miserable at last.”

X.

Society cannot possibly hold together much longer without considerable convulsion, or without some extensive social organization, inducing an union of interests, in which each individual's interest shall be made consistent with the interests of all, and those of all with those of each; for it must be allowed,—

1. That as the universal diffusion of machinery dispenses with human labour, it will be necessary either to lessen the population, or let the population share in the benefits which machinery produces.

2. That, in a state of competition, such a diffusion of benefits among the population will be impossible, for the constant influx of labourers into the market tends to beat each other down to the lowest verge of subsistence.

3. That, as mutual kindness would be the great characteristic of men as perfect creatures, so would mutual assistance, as the emanation of that feeling, be the characteristic of perfect society.

4. That, at that period when mankind shall live as Christians, obeying the great law, “Do unto others as ye would they should do unto you,” competition must cease; for man will then seek the interests of others as much as his own; and in seeking this, their varied interests become amalgamated together, which produces co-operation, and is incompatible with the co-existence of a rich and a poor class, an idle and a labouring class, and an educated and an ignorant class.

5. That at that period when the people as a body are instructed in their rights, and have an insight into the comforts of refined life, they will be sure to find means of enjoying those comforts. As instruction descends to the lower classes, they will discover the secret cancer which has been corroding social order ever since the beginning of the world; a complaint which has been the cause of all popular discontent and commotions. The too great inequality of conditions and fortunes has been able to uphold itself as long as it was hidden, on the one hand by ignorance, on the other by the factitious organisation of society; but no

sooner is this inequality generally perceived, than a mortal blow is given to it. Enforce again, if you can, the absurdities of aristocracy. Strive to persuade the poor man when he has learned to read, the poor man who is daily prompted by a public press, by the yearnings of a British heart, that he ought to submit to all his toil and privations, to bear himself lowly and reverently to all his betters, while they without labour possess a thousand times as much as they need. Your efforts would be useless. The material development of society will advance the development of mind. When steam communication shall be brought to perfection—when jointly with the telegraph and railroads it shall have annihilated distance—not merchandise alone, but ideas also, will travel from one extremity of the globe to the other with the rapidity of lightning.

6. Lastly, that the sufferings entailed by the excesses men necessarily commit on the happiness of each other, will induce them to be virtuous when all other things fail."

How often, in every station of life, is it felt with regret, that if men could but combine with heart and hand for their mutual benefit, we should be all gainers, and none losers? For it is impossible not to see, that if two hundred or more persons will form a society for mutual aid, each one will know that whenever he falls sick he will have two hundred friends to uphold him, and that during the years of health he will have the gratification of affording to others the aid which he requires from time to time himself. Let men universally know the benefits of co-operation and proper methods of obtaining and securing those benefits, and its adoption will be certain. Can it be for a moment doubted that to-morrow, if men knew how much they could do for each other, and, how effectually they might promote their own interests, arrangements of incalculable utility might and would be devised and adopted?—but they are so shut and barred out by their individual system from each other's notice and knowledge, that they are unable to come together, although in every street and quarter some wretch is languishing for the want of that which another is uselessly hoarding up or casting away; and this, not only of the means of subsistence, but of everything that conduces to our happiness.

"In proportion as mechanical inventions shall be generally diffused over the world, they will increase the powers of production to such an extent as to supply by moderate labour every want of man, and then the great body of the people will find themselves in possession of reasonable leisure, in spite of every exertion to avoid it. Great misery will probably be suffered in persevering in the present course of action before their eyes shall be opened to this result. The first effect of these stupendous mechanical inventions threatens to be to accumulate great wealth in the hands of a few, without proportionally abridging the toil, or adding

greatly to the comforts of the many. This process of elevating a part of the community to affluence and power, and degrading the rest, threatens to proceed till the disparity of condition shall have become intolerable to both ; the labourer being utterly oppressed, and the higher classes harassed by insecurity. Then, probably, the idea may occur that the real benefit of physical discovery is to give leisure to the mass of the people, and that leisure for mental improvement is an indispensable condition of true civilisation—knowledge being another. The science of human nature will enable men at length to profit by exemption from excessive toil ; and it may be hoped that, in course of time, the notion of man being really a rational creature may meet with general countenance, and that sincere attempts may be made to render all ranks prosperous and happy, by institutions founded on the basis of the superior faculties."

" Knowledge, which was formerly confined to a few closets, is now in everybody's hands. The methods of acquiring that knowledge, which were formerly long, irksome, and laborious, are now short, pleasant, and easy. Machinery has reached that state when it dispenses with a great portion of the labourer's time, and the labourer begins to understand that this, which is powerful as an enemy, must be equally powerful as a friend ; the workman has also acquired a power of reflection, and a freedom from bigotry and passion which formerly disturbed his movements ; in short, he has acquired all the elements of co-operation, and wants only to be habituated to the exercise of it. Time and experience are as necessary for co-operation as for other institutions ; many mistakes may be expected to be made ; some failures may happen from ignorance and inexperience, but even these will be productive of good, and great teachers of true principles, till at last, all rocks being clearly pointed out, co-operation will hold on its course to the end of time."

XI.

Even before the introduction of improved machinery it was always easy to produce a superfluity of the necessities and ordinary comforts of life. In all times there has been a large class of soldiers and servants living on the produce of other men's labour, and the existence of this class is a necessary incident to the competitive system. What, for example, would be the condition of France if her 500,000 soldiers were disbanded and compelled to seek employment ? And what would be England's position, if without other great social changes her army and navy ceased to absorb a large portion of her surplus labour, which it will be observed is a very different thing from a surplus population. In ancient times the baron was surrounded by a host of retainers, whose occupation in time of peace consisted of martial exercises and hunting. The market for labour was thus kept from being completely overwhelmed.

In our own times the same result is obtained from the existence of vast standing armies and troops of domestic servants in the houses of the middle classes.

Standing armies are necessary for the double purpose of keeping the people in subjection and affording employment to those who under the competitive system, would be unable to obtain bread, all the avenues of employment being filled up already without their competition. Wars are the necessary consequence of the existence of large standing armies, the love of glory, as it is called, is diffused amongst the people, the leaders of the armies are, of course, the most important persons in the state, and it is but natural for them to seek for opportunities of displaying their courage and professional skill.

We have seen that famines are necessarily incidental to the competitive system, and we think it is pretty clear that wars are so likewise. Whilst, however, we admit that in order to continue the present system it is necessary for the state to abstract from the field of competition vast hosts of the labouring classes, and turn them into soldiers, sailors, and idlers, we are by no means in favour of this system; hence we have contended that the standing army should for the most part be substituted by a paid citizen force, properly disciplined. The accession to the ranks of the labouring classes produced by this change would be more than counterbalanced by the fruits of other democratic measures adopted at the same time, for the purpose of more equally diffusing property and intelligence, and paving the way for a complete subversion of those monstrous evils which now render mankind base, weak, vicious, and miserable.

Wars are held by some political economists to be necessary, to prevent over-population; and famine and pestilence are also regarded by many persons as being equally indispensable for the like purpose. To such extremities do the advocates of the competitive system feel themselves compelled to resort. Although we do not believe that even under the existing system of society it is impossible, or even difficult, to restrain the growth of the population within proper limits, we are decidedly of opinion that this object can be much better attained in an improved state of society, such as that exemplified by co-operative associations.

CHAPTER XXVII.

THE MISSION OF DEMOCRACY—(*continued.*)

- I. How a proper Social System is to be obtained—*The First Great Social Change*—Democratic Legislation: its social effects.
- II. *The Second Social Revolution*—Various Provisions against the evils of the Competitive System—Measures to avert Famine, and restrict the increase of the Population—Management of State Property on the Social Principle.
- III. M. Louis Blanc's Plan for the Organisation of Labour—Why it is impracticable—Necessity of a more comprehensive Measure—Inopportuneness of the Project at the present time—Existing Legislative Enactments controlling large Industrial Establishments—When the subject will be dealt with systematically—Why America has not done so.
- IV. Existing Legislative Enactments regulating the Price of Labour—Future extended Application of the Principle—Present Enactments to protect Labourers—Capacity of the State to manage Industrial Establishments—Examples—Objection to the Monopoly of a particular manufacture by the State—Supposed Analogy to ancient Monopolies.
- V. Objection the supposed analogy of ancient laws regulating the rate of Wages—Objection that the State would not furnish sufficient Employment—Objection that our Exports would be diminished—M. Louis Blanc's Proposition to form Rural Associations upon the property of the State—His Proposition for a General Association of Workmen.
- VI. Preparations to be made under a Democratic Government for a new System of Society.
- VII. *The Final Social Revolution*—The State a Congeries of Co-operative Associations—The Government—Exchange of Commodities—Treatment of Offenders—Mode of Living—The Marital Relation—Present Laws of Divorce in America.
- VIII. Objection that there would be an indisposition to labour—The Restraints—Amount of Labour required—Disagreeable kinds of Labour: how performed—Vast Progress to be made by Associations in the Arts and Sciences.
- IX. Moderate Labour: its effect on the Health and Spirits—Amusements in the Association—Public Meals—Clothing—Physical Improvement—Counteraction of the Evil Effects of Intemperate Climates—Migrations—Holiday Visits—Foreign Commerce.

I.

A proper social system is to be obtained only by several successive steps.

THE FIRST GREAT SOCIAL CHANGE.—First, there must be democratic legislation, which will, as already explained, extinguish the aristocracy, diffuse intelligence, and distribute property. Ample provision will then be made for the sick, the aged, the young, and unemployed; in a word, society will *guarantee* the support of all its members in a decent manner.

This guarantee involves a most important principle, which being carried out to its ultimate consequences will introduce the true social system. Criminals will be treated with humanity, and with a view to their reform. Emigrants will be assisted by the State, and a proper system of colonisation will be adopted.

Education will be provided gratuitously; also public libraries, lyceums, and intellectual exhibitions and entertainments. Proper measures will be adopted to secure the health and comfort of towns, and a sufficient number of places for recreation and amusement.

The people then being free and intelligent, equal in the eye of the law, and disposed to fraternise with each other, we shall find the different classes of society living together in boarding and lodging-houses in such a way as to enjoy the luxuries and refinements of modern civilisation at a small expense.

.. This is the first stage of social reform: and now having a pretty general equality of conditions, a society in which there will be no destitution, no vagrancy, no servility, and but little prostitution, the whole mass of the people will soon be prepared for the next great change in the social system.

II.

THE SECOND SOCIAL REVOLUTION.—The state will assume the ownership and management of railroads and other great public works, and also undertake, in the manner presently pointed out, the exclusive manufacture of those articles which are now manufactured in large establishments. It will regulate the prices of those articles and the rate of wages, and will take all necessary measures to secure the well-being of the work-people and their families.

The state will also provide against famine, by laying up stores in times of plenty. This is now deemed impracticable, on account of the interference which it would occasion on the part of the government with the corn-merchants and farmers. Indeed, under the present system, the people must frequently be visited by famine.

The subject of restricting the increase of the population within reasonable limits will be investigated, thoroughly understood, and properly dealt with in the manner already explained and discussed. The state will assume the ownership of property when the owner dies without any widow or children. This property will be sold, and the proceeds invested in the purchase of suitable farms, which will be devoted to the use of a number of families selected by the state; the course of culture will be prescribed by the state, and the business conducted for the benefit of the families located on such lands. The families will live together in boarding-houses, proper food and clothing will be provided for them, and competent education. Wages, also, will be paid to the labourers accord-

ing to the profits, for them to dispose of as they please: they will be provided for in sickness and old age, and after their decease their families will be properly supported.

III.

A few words by way of explanation of M. Louis Blanc's scheme for the organisation of labour may not in this place be inappropriate. He proposes that the French government should borrow money to purchase or establish manufactories. In the first instance, the management of these factories is to be confided to persons appointed by the government. In a year or two, however, the work-people will elect the managers, but the state will provide laws, rules, and regulations for the conduct of all the state factories. Competition between them will be prevented. The money borrowed by government to establish the factories is to be repaid, with interest, out of the profits. The earnings of the work-people are to be subdivided into three separate portions; the first to pay wages, which are to be fixed at a reasonable amount; the second to be set apart as a fund for the aged and helpless; and the third to be reserved to meet commercial crises and periods of depression. The work-people are to dispose of their wages as they please; but it is supposed that the evident advantages of living in community will lead to the adoption of voluntary associations. And that will doubtless be so when suitable boarding and lodging-houses are provided.

M. Louis Blanc says, every factory, after the first year, sufficing for its own guidance, the part of the government would be confined to watching over the maintenance of the relations between the different centres of similar productions, and the prevention of any violation of the common regulations. There is no public service in the present day that does not offer a hundred times more complication.

He supposes that private establishments would find it impossible to compete with those of the state. But it appears to us that, as the wages paid in the public establishments would be considerably above the present rate, it would be necessary for the state to prevent any competition on the part of private manufactories, just as it now prohibits any interference with its business of letter-carrying.

But this great innovation cannot be expected to take place until democracy shall have been firmly established a considerable length of time. The first fruits of democracy will be the adoption of more efficient measures than those now in operation, to prevent destitution, diffuse intelligence, equalise conditions, secure the comfort and well-being of society, and protect women and children from unsuitable labour, without any direct, complete, and systematic interference with the principle of competition.

It is true that there is even now a great deal of interference with large

industrial establishments, and many legislative enactments, for the purpose of diminishing the evils of excessive competition, and protecting the weak from the stronger portion of society; and these enactments will be greatly multiplied from time to time, even without the establishment of popular government. But when the state shall approach the question of competition, and deal with it systematically, on a large scale, for the avowed purpose of securing the welfare of all classes of operatives, whether men or women, adults or minors, society will have entered upon a new and glorious career, for which there must have been a considerable degree of preparation. The United States have not, even after sixty years of democratic government, reached this stage, having had no large seats of manufacturing industry; and it is probable that the old countries of Europe will be first in the field, in consequence of their having a much more numerous manufacturing population congregated in great towns. But in the first stages of democratic government on the continent, the friends of mankind will have some difficulty even in establishing the right of the poor to demand labour or subsistence from the state, that right being denied by a majority of the property classes, as well as by certain quacks, calling themselves political economists.

It is probable that some years will elapse before even the actual representatives of the people, having the welfare of the nation truly at heart, will overcome the prejudices of early education, learn the true principles of social science, perceive and acknowledge the evils of unrestrained competition, and understand the inevitable tendency of the modern social system. In the meantime, however, much will be done for the present good and future advancement—government by the people and for the people, will be firmly established, and the good fruit will ripen in due time.

IV.

The right and duty of the state to regulate the price of labour whenever one of the parties to the contract is, in consequence of his dependent position, liable to be unfairly dealt with by the other party, has been recognised on various occasions. Thus, pawnbrokers and other money-lenders are restrained from exacting an exorbitant rate of interest. Lawyers can only charge for their services according to a certain scale provided by law. Hackney coachmen, cabmen, omnibus proprietors, and public porters, have their wages fixed by acts of parliament.

The time has nearly arrived when this principle must be applied to the persons engaged in cotton, silk, and woollen manufactories, for they, in consequence of great social changes, are placed in a helpless position, and are subject to be dealt with unfairly by capitalists, as much and more so than borrowers, pawners, and clients of lawyers.

There have been frequent acts of interference on the part of the state

with great manufacturing establishments in modern times; thus laws have been enacted to limit the hours of labour—to forbid children being employed—to prevent the ill-treatment of young persons—and to secure the health and comfort of the workpeople in general. But these half measures are totally inadequate to meet the evils to be attacked and destroyed; above all, the evils of excessive competition must be removed, or the state of society will continue to get worse and worse.

It will be objected that it is impossible for the state to manage or control industrial establishments, and yet its ability to manage the business of carriers by railroads and canals, on an enormous scale, is hardly disputed. Some of the American States own the canals within their borders, and manage them for the benefit of the public. Some kingdoms have carried on the business of importing and selling tobacco and other articles for the public profit, to the exclusion of private individuals. The government might manage all the railroads in the kingdom, fixing the rate of wages of the persons employed in every department, as well as the charges for conveying passengers and luggage. In a word, the government can do whatever can be performed by large companies, and can secure the welfare of the people in its employ. If the government can manage the business of letter-carrying, and the business of carrying passengers and luggage, there is nothing to hinder it from managing all the cotton, silk, and woollen manufactories throughout the country.

It will be objected that this assumption of the monopoly of a particular manufacture by the state would be as injurious in its consequences as the monopolies formerly granted by the state to be enjoyed by particular companies or individuals, *e. g.* the exclusive right vested in one person to manufacture hats, which actually existed at one time in this country. We reply, that there is no analogy whatever between these different monopolies: the one is established for the benefit of the working population to keep up the rate of wages and secure the proper management of great manufactories, the other was granted for the benefit of a few capitalists or other favoured individuals. When the state has absolute control over a manufactory, it can make proper provision for securing the health, safety, and comfort of the labourers in its employment, for the exclusion of women and children, for the prevention of excessive labour, for the establishment of proper boarding-houses, also reading-rooms, and places of recreation and amusement. Provision can also be made for the support of the aged and sick, and the education of the young. Wages can be maintained at a remunerating price.

V.

As to the efforts made in ancient times to regulate the rate of wages of agricultural and other labourers by acts of parliament, without regard to the capacity of the persons employed, we need only observe that the

alleged failure of those enactments by no means tends to show the impolicy of establishing general rules to regulate the rate of wages in public establishments belonging to the state, when the labourers are selected and classified, as they would be by any great company.

It will probably be objected that there would not be employment enough in the state factories for the numbers seeking admission. That may be true : but there would be more employment than is furnished under the present system, and more regularity in that employment, with ample provision for periods of depression. There would be more employment, because the workpeople would not work so hard as they do now, and, as presently shown, the quantity of work to be done would be increased, and consequently the number of hands required would be much larger than at present.

It will be said that our exports of manufactured goods must cease, if we raise the cost of the manufacture, which cannot be avoided, if we adopt the plan just proposed. We believe, on the contrary, that our exports would increase. The truth is, that whatever articles we may import from abroad must be paid for with the produce of our industry ; and the only effect of raising the cost of manufacturing articles for exportation will be a rise in the price of the goods imported to pay for them. The ability of the manufacturing population to consume imported articles will, notwithstanding the increased price, be augmented under the system which raises wages. The agricultural and other classes will be benefited by the prosperity of the manufacturing districts, and thereby, in like manner, enabled to meet such advanced prices. The consumption of domestic as well as imported articles will be greater than before amongst all classes of the population, whether trading, agricultural, or manufacturing ; and it follows that the exports will be increased, instead of diminished, in consequence even of partial measures for improving the condition of that portion of the population employed in manufactories.

With respect to agricultural employment, M. Louis Blanc proposes that collateral successions to landed property shall be abolished, and such property declared public. Every commune, says he, would thus acquire a domain, which should be cultivated by associations established by the state, on the same principle as the factory associations already referred to.

The state can, without difficulty, manage the cultivation of farms as well as great landowners in England and Ireland now manage them. These great landowners make leases of their farms, prescribing the course of culture. The state could, being aided by the advice of surveyors, also prescribe the course of culture ; besides making proper provisions for the employment of a sufficient number of hands, at adequate wages, and also other provisions for the suitable board and lodging of these labourers and their families.

M. Louis Blanc also suggests that much can be done independently of state interference. He proposes associations of workmen belonging to different trades, to appoint a council of administration; this council to make arrangements for obtaining employment, and regulating labour and wages upon equitable principles; providing a fund for the sick, the unemployed, the widow, and the fatherless. We doubt the practicability of this project under existing circumstances.

From this short sketch, it will be observed that the propositions of M. Louis Blanc have been greatly misunderstood and misrepresented.

VI.

The evils of excessive competition, daily augmented by the discovery of new machines superseding labour, will soon cause the present theories of political economists to be scattered to the winds. Employment is becoming more and more scarce in these islands, prostitution and crime more and more abundant, and Great Britain and Ireland are at this moment presenting the astounding spectacle of a vast increase of human misery; concurrent with an unbounded increase of the means of providing food and raiment.

When democracy shall have been established, and the second social revolution consummated, the whole mass of the people will be enlightened, and comparatively moral and well-conditioned. At this period, many voluntary associations will have been formed, in which all the members will live on a footing of perfect equality, holding the property of the association and the proceeds of their united industry in common. The success of these associations will show the practicability and desirableness of an entirely new system of society.

VII.

THE FINAL SOCIAL REVOLUTION.—The last grand change, for which all the preceding will have been the mere preparations, is the general establishment of industrial associations, based upon the co-operation principle, instead of that of competition. Society will be formed of a congeries of such associations, with a central government, for the general control of all of them, and the conduct of foreign relations. All the male population will bear arms, and be skilled in their use, so as to be able to resist invasion from surrounding kingdoms and states remaining in a state of semi-civilisation.

The central government will be composed of a legislative body and executive, elected periodically by the whole mass of the people, male and female. Each association will elect all the officers required for its local government. Articles manufactured by one association will be exchanged for those manufactured by others, the value being regulated by the amount of labour expended on each article, and according to

certain rules agreed upon by the various associations, and embodied in the shape of a law. There will be no occasion for lawyers and judges as there will be no disputes about private property; and as to those persons who may break the peace, or commit improper acts, they will be dealt with as persons partially or wholly bereft of their senses, and in their treatment the great object will be their reformation and restoration to society.

The elected officers of the associations will regulate all the affairs of the community. The members of the association will live together in large and convenient dwellings, and will take their meals together.

As to the marital relation, no absolute right in one human being to the person of another will be recognised, but the husband and wife will be authorized to separate whenever incompatibility of temper, or any other circumstance, may in the estimation of the community, and according to its laws, render a dissolution of the contract desirable.* Promiscuous intercourse will be of far less frequent occurrence than it is under the present system of society; indeed there is every reason to believe that amongst such a refined and intellectual people as the community system will bring into existence, there will be but few breaches of modesty or morals. Sound precept, and the force of good example amongst such a people will be efficacious; and it is to be especially borne in mind that there will be no poor to be tempted, no rich and high-born to tempt, and there will be no intoxicating drinks.

If it be objected that marriages would, under such circumstances, be too frequently dissolved, we answer that we do not believe such would be the case. All marriages will be under such a system of society, entered into from proper motives, unmixed with sordid and mercenary objects. It will be the usage to abide by the contract of marriage. The society, looking to the preservation of its comfort and happiness, will inculcate this as a duty—the youth will be educated to regard this rule as of vital importance; and we have no doubt that in such a highly-

* By the law of Ohio, divorces may be granted for the following causes:—

"1. Where either of the parties had a former wife or husband living at the time of solemnising the second marriage.

"2. When either of the parties shall have been wilfully absent from the other three years.

"3. Adultery.

"4. Impotency.

"5. Extreme cruelty.

"6. Fraudulent contract.

"7. Gross neglect of duty.

"8. Habitual drunkenness for three years."

9. Where either party is convicted of certain grave offences, provided the application for divorce is made during the imprisonment.

Similar laws exist in the other States. After the decree of divorce, both parties may marry again. The decree is easily obtained by poor as well as rich, the expenses being very trifling, and the proceedings prompt and simple. In a very refined state of society, when the children of the divorced parties are under the care and superintendence of the association, divorces may with great propriety be permitted for causes which, under the existing system of society, could not with due regard to public policy be held sufficient.

polished community all its rules will be more implicitly followed than the laws, usages, customs, or fashions of the old system of society.

VIII.

It is objected that men and women will not exert themselves except for the sake of amusement, or for the purpose of acquiring the means of enjoyment; that, consequently, the members of the association will not labour, seeing that no personal advantage is to be derived from it. It is argued that each man will desire to reap the fruits of the labour of the other members of the association, without working himself.

To this we reply that the examples of the various associations before referred to, and which have been in existence for the last twenty years, is sufficient to refute this theory. But let us for the sake of the argument, disregard the experiments already tried, and examine the question irrespective of that experience. All the members of the association must know that their individual and collective welfare depends on their industry. Hence rules for the regulation of that industry will be formed by the society. It will not be left for each individual to work or not, as he pleases, nor to begin and leave off when he likes. Each member of the community will have his allotted task, and that will be an easy and a pleasant one, according to his or her age, strength, taste, and capacity: the employment will be varied from time to time so as to avoid monotony.

These restraints are nothing as compared with those which nine-tenths of the human race now endure; the professional man, the tradesman, the artisan, and labourer, are all under a variety of restraints, and compelled to labour more than would be necessary in association, besides having to submit to insults and indignities. In association, there will be no servants, no persons situated like the common soldiers and sailors of the present day, and all would have more leisure, more social enjoyments, more amusements, and more true liberty than can possibly be had under the competitive system.

Very little labour, with the aid of skill and improved machinery, would suffice to furnish the community with all the comforts and luxuries of life. Even under the present system, every day adds to the facility of raising food, and manufacturing articles of use and ornament; but, under the community system, the whole mass of the people being intelligent, with abundant leisure to study, with ample means to try experiments, and no motives for the concealment of a discovery, there will be a hundred inventions and improvements where there is one now, and mankind will be elevated to a height of civilisation and refinement beyond all existing anticipations. The finest palaces of the present age will be insignificant in comparison with the mansions of the associations. Means will be discovered for rendering all occupations inoffensive, and no labour will be deemed mean and servile; all must labour on a footing of perfect

equality; the less pleasant kinds of work must be performed by the members in rotation, or those who perform it must be compensated by the shortness of the period of labour, or by being allowed advantages in some other way.

IX.

Man is so constituted as to derive health and enjoyment from moderate labour; and we fully believe that even the fortunate few—the pampered aristocracy—would be much healthier and happier in an association than under the present system, devoured as they are with *envie*, and filled with envy, discontent, and anxiety for the future welfare of their families. A thousand means of amusement will be afforded in the associations which are wanting under the present system. It has been said, by persons utterly ignorant of the matter, that there would be disputes at the table, all desiring the best joints and the best viands of every description. Such persons can never have seen a large party at a public table. No such disputes arise at the tables of the great hotels and boarding-houses of the United States.

As to clothing; each person will be supplied with materials of a certain value, selecting whatever kind he may please, so that there will be no monotony of dress. The health of the people under this system will be greatly improved: no diseases will be engendered by confinement, foul air, unwholesome labour, intoxication, or sexual intercourse. Early marriages will be prevented, and the human race will become greatly improved in strength and beauty, and will go on improving from age to age. Ample means of counteracting the evil effects of the climate, when too hot or too cold, will be invented; dwelling-houses will be properly warmed or cooled, as may be required: and moreover the climate itself may be changed by the gigantic exertions of associated industry, as forests will be reclaimed, marshes drained, and plains planted with trees. The means of locomotion will be vastly improved. Railroads, on an immense scale, will be formed, with corresponding engines and carriages. Migrations of entire associations from north to south in winter, and from south to north in summer, will be common, as well as holiday visits at all times of the year by those members who choose to work overtime for the sake of such holidays. Every association will receive such visitors with hospitality, and dismiss them with kindness.

As to commerce with distant foreign countries, there can be but little, if any, necessity for it. If there be any such commerce, it can be conducted by the members of the various associations who prefer an adventurous life; and of this class a sufficient number could easily be found, especially among the younger and unmarried members.

CHAPTER XXVIII.

THE MISSION OF DEMOCRACY—(*concluded.*)

- I. Detailed Exposition of the State of Society to be introduced by the Co-operative System—Extension of Family Affection from the Family to the Association—Co-operation the State of Society, which the feelings of Man, as a noble and refined being, points to—Insufficiency of the mere inculcation of the Principles of Justice and Morality.
- II. Relative Position of the Association and the individual Member—The latter insured by the former—Benefits of a Co-operative State of Society described—Economy of Co-operation.
- III. Polished and Graceful Manners of persons living in a state of Community—Removal of Ignorance and Prejudice—Want of Social Pleasure under the present system—Great Opportunity for its Enjoyment in Associations.
- IV. Objection that this System of Society is novel—Restraints in Association compared with the want of true Liberty under the present System.
- V. Objection that there would be Quarrels, Contentions, and Party Feeling—Far greater prevalence of these under the present System—Objections that there would be Dulness, Uniformity of Character, and Monotony.
- VI. *Labour*: Moderate Labour a Blessing—Evils of Excessive Labour—Real objects of Human Life—Exemption of Children from Labour.
- VII. Amusements in the Community—Leisure and Opportunity for Amusements—Necessity for Recreation—Want of the same under the present System of Society.
- VIII. An eloquent and impassioned Description of the state of Society to be enjoyed in Social Communities at some future period.
- IX. How the Final Social Revolution will be effected—How prevented under the old French Republic—Why the Example has not yet been set by the New World—Democracy the only road to a true Social System—Necessity of a state of Preparation for that System.
- X. Objection to Social Equality, that Men of Genius ought not to be placed on the same footing as other persons—Neglect of Men of Genius under the present System—Love of Approbation; its Sufficiency as a Stimulus in Associations—Abstract Justice of treating all the Members on a footing of perfect equality.
- XI. Remarks on the Ordinary Defence of the present System of Society—The undeniable Evils of that System—Opposition of the Wealthy Classes and their Dupes to any other System—Character of the Protestant Established Church—Probability that the Catholic Church will first receive the Truth—Probability that France will be the first European State to adopt a new System of Society.
- XII. Table representing the Course of Democracy in the Fulfilment of its Great Mission.

I.

A more detailed exposition of the state of society to be introduced by the co-operative system—the system of kindness and mutual assistance—is due to the vast importance of the subject. The following eloquent

description of that system is extracted from various French and English works of celebrity :—

Family affection ought to extend itself from private to public life—from the family to the world. Man should see a brother in every human being, and rejoice in every opportunity of doing him good. Man was evidently intended to be brought to this lovely state by nature, and by a just and good Providence. Man was never intended to live by the misery or ruin of his neighbour, but by his prosperity and happiness. In support of this proposition, the authority of scripture is appealed to—“Beloved, let us love one another, for love is of God, and every one that loveth is born of God. But whoso hath this world’s goods, and seeth his brother have need, and shutteth up his bowels of compassion from him, how dwelleth the love of God in him ! My little children, let us not love in word, neither in tongue, but in deed and truth.” St. John.

The general principle from which all our social duties are derived is the golden rule of doing unto others as you would they should do unto you, the truth of which precept reason demonstrates to every man, for all men are born equal : the same nature is inherent in all ; they enjoy the same faculties, want mutual assistance ; they are all formed by the same Deity, and they are destined to the same end ; are all born with the same reason, have a right to the same education ; they pass through the same periods of life, and cease to exist in the same manner. It is therefore necessary that they should be united in one common bond of fraternal charity, as if members of the same family ; that they should mutually assist each other in their necessities, and that they should live happily together.

But all co-operation as it has yet existed has had a mercenary base. Our physical, political, mercenary necessity has united us ; but where have we seen the moral cement, sympathy, hold us together, when these necessities have been weakened or have failed ? In savage life, men have congregated into tribes for the perpetration of mutual bloodshed ; in civilised life, they have convened into classes for the conservation of peculiar interests. The moral influence of co-operation has hitherto been seen only in conspiracies of masses of men ; we have never yet seen co-operation acting from a principle of moral sympathy, which would induce universal justice ; for none with that sentiment would deny to another the right he desired for himself, or do another a wrong which he deprecated for himself. It is only under this principle of sympathy, the effluence of love and justice, that co-operation can act universally.

The more we embody ourselves and our happiness with the interests of others, the more in reality we consult our own happiness. Who would think it worth his while to prepare a meal, where that meal is to be taken by himself only ? Emulation, mutual inducement, love of art, ambition, enthusiasm, are all sacrificed, and these are the passions

which brought into being constitute the pleasure of most of the acts of life. Thus, when the barriers which selfishness has put between man and man are broken down, and the current of fellowship and benevolence is suffered to flow generously abroad, and circulate around, then shall we be in the capacity for the greatest and best enjoyments.

Competition is the consequence of the uncontrolled self-love of man ; it is the natural growth of a savage state of society, and, where left unchecked, must keep that society still savage—still the nursery of ill-will and crime. Co-operation, on the other hand, is that which man's better feelings, his affection, and his reason, naturally point to ; he knows that to join his efforts to other men's in obtaining their common necessities and comforts, is the most profitable and economical. He knows that to act kindly and justly to his fellow men is the only method of gaining friends, who will act kindly and justly towards himself ; whereas, by supporting himself by his own isolated endeavours, he must live a life of toil, he must be insufficiently supplied—his life will be dreary and full of solitude—for if his own means should fail he has nowhere to look for support. Co-operation is that state which the feelings of man as a noble and refined being points to ; it is the only state in which he sees it possible to realise his ideas of order and harmony in the world. He sees everywhere competition engendering disease, vulgarity, and vice ; distorting nature and misapplying art ; whereas, by uniting our faculties, and going to work hand in hand, this world would soon become one panorama of grandeur—one paradise of beauty.

Men have commonly endeavoured to incite each other to good actions merely by inculcating the principles of justice and morality. Surrounding circumstances, all the motives to good and to bad practices, have never been taken into the account ; and as, under the present constitution of society, the majority of circumstances are unfavourable to the practice of the principles inculcated, these principles are necessarily inefficacious, and all but useless. Before men can control action, they must control the incentives to action ; for principles are valuable only in proportion as they can be acted upon, and they apply to the wants and exigencies of mankind. Experience proves the truth of this assertion, however mortifying it may be to human vanity ; for neither morality nor religion, of themselves, are capable of impelling men on all occasions to do as they would be done by. Almost every circumstance by which men are now surrounded hourly incites them to break through the observance of that great law, however a principle of justice, or a benevolent disposition, may spur them on to its fulfilment ; and therefore, unless these circumstances be controlled and directed, so as to conduce to the end desired, principle will be oftener heard of from the mouths than perceived in the actions of men.

II.

In a co-operative society, every man is surrounded by a host of helpers and friends. All the abilities and labour of those friends are pledged to him, to protect him against the common evils of life, and insure to him its comforts and enjoyments. While he presents the society with the labour, skill, and knowledge of one single individual, the society presents him with those of hundreds. He gives little, he receives much. In himself he is subject to all the uncertainties, the ups and downs of life, to anxiety and care, to laborious days and sleepless nights; but in a community he has insured himself against all these things; he cannot be ruined, unless the society be so too, and the ruin of a society of labourers is impossible, because, as it has been proved that every labourer can produce twenty times as much as he consumes, a society of one hundred labourers would produce as much as two thousand could consume, which is amply sufficient to provide against all the chances and accidents of life.

The benefits of a co-operative state of society are described by a popular writer as follows :—

It is the only method whereby mankind as a mass can obey the precepts of Christianity, or live as Christians, loving and doing good to each other; and it is the only method in which the mission of Christ can be fulfilled in transmitting peace and good-will to men. If the soul of man partakes of the divinity and eternity of its Maker—if its proper emanations are benevolence and virtue,—then a more happy mode of life, such as co-operation holds out, is the fittest sphere for its action; for under our competitive state, the great mass of mankind have hardly leisure to think of, much more to practise virtue.

Co-operation would save the waste of unproductive consumption, all the co-operators being productive labourers, and there being no idle capitalists.

It would save the waste of labour and skill now unemployed through mere ignorance or want of market, or now uselessly or perniciously directed.

It would save the waste now consumed under the name of profits of wholesale and retail dealers, every co-operator being himself a joint-proprietor and capitalist,—production and consumption being shared equally by all.

It would save, by means of physical arrangements, and the communication of knowledge, the waste of life, of health, and enjoyment, now caused by poverty, ignorance, and neglect.

It would save the incalculable waste of happiness now arising from the contentions, animosities, and cruelties engendered by the institutions of insecurity, and in some degree inseparable from the most chastened

pursuit of individual gain, the social combinations proposed removing the causes of those crimes and vices, and by the proper education of the understanding, implanting opposite and permanent dispositions and habits.

It would render supply and demand always commensurate, and reduce the economy of supply and demand, population and other contested questions of morals, legislation, and political economy, to fixed and easily ascertained data, and principles fixed thereon.

The industrious artizan will no longer have to provide for three classes of men besides his own—namely, criminals, paupers, and idle gentry; he will no more have to support the ranks of lawyers, clergy, officers of justice, soldiers, sailors, shopkeepers, police, or excise. If all these were usefully employed, the produce and means of enjoyment would be more than trebled. An immense waste of time and labour will be saved. Manufacturers are interested in fabricating their wares of frail materials, in order that the demand for them may be speedily renewed. Hence three articles are required, where one more durable would be sufficient. Carriage of goods and provisions will be much saved. The principal part of carriage in the present system consists in conveying food from the country to feed the townspeople, whereas, by each community growing its own food, the whole of the conveyance will be that of travellers and manufactures. Loss of time and trouble in the transit of articles in the process of manufacture, in consequence of the various occupations being carried on in places widely separated, will also be completely saved. Also, in domestic economy, two hundred persons are employed in preparing the meals for two hundred families, whereas, by adopting these methods, the meals for the same number of families would be prepared by eight or ten individuals, leaving the remaining one hundred and ninety persons to be employed in some other occupation.

Houses in England, on an average, contain seven persons each, and seven rooms in each; twenty of these houses would more than equal in expense and size a house built for one thousand persons by the proposed arrangement; therefore, what suffices but two hundred persons by the present method would be sufficient for one thousand persons by the method proposed, and there is five times more space, furniture, and building used than would be required in an economical and elegant arrangement.

The economy of co-operation is one of its most important benefits. The superior household arrangements will rid us of all filthy and menial employments, such as shoe-blackening, knife-cleaning, chimney-sweeping, grate-cleaning, bed-making, brewing, ironing, stocking-mending, cap-building, four-fifths of the nursing, four fifths of the cooking, four-fifths of the house-cleaning, all the dirty scullery work, half the dress-making, half the washing, and the drudgery of this performed by machinery, and half the cultivation of the ground.

III.

The manners of persons living in a state of community would naturally become polished and graceful. When we enter a large company, we have a care that our manners shall show a respect for others as well as a respect for ourselves; we carefully preserve our own dignity, and show deference towards the dignity of others; and in this gracefulness of manners lies the whole secret of gaining respect and producing mutual deference. But, under the present system, manners are little cultivated, for, by living in separate families, and being confined to a small circle, whom we may see every hour, there is no stimulus to prompt us to be careful of our carriage and appearance. To the prevalence of *tables d'hôte*, says Mr. Tennent, in every town and village of the Continent, must be ascribed much of that social feeling and easy carriage which characterize the people of almost every country in Europe except our own. Being frequented by persons of all ranks, they lead to an assimilation of manners and taste, which must be conducive to general refinement; and by an interchange of opinions, and a diffusion of intelligence, during the two or three hours of daily intercourse, they contribute to a diffusion of information, and a better understanding among all classes.

The powerful effect of sociality in the removal of ignorance and prejudices, must be manifest to every one who is accustomed to the slightest degree of reflection. Prejudices are always found to be most inveterate in such people as have the smallest society both of men and books. The pertinacity with which the most absurdly erroneous opinions are adhered to in the world, is wholly to be attributed to the very confined society to which most people are limited.

If the whole sum of pleasure enjoyed by a well-cultivated mind during its life were to be divided into one hundred equal parts, it is probable that ninety-nine of these parts would be social pleasure, or pleasure derived from and shared with other minds. Under the present system, no man is able to say that even his announced, and much more his chance, visit shall not be so ill-timed to the master or mistress of the house, that they shall not wish him away, or at least get weary of him. Few have it in their power to act like the opulent possessors of English country-seats—leaving their guests amidst numberless appliances, to seek their own studies, and even there it must be no light tax to be compelled to see a constant round of company. Now in a combinative society it would be at the option of the inmates either to unite with the visitors in their colloquial and convivial parties, or to absent themselves, which is out of the power of the most independent individual exercising customary hospitality on an extensive scale. If the visitor found his friend indisposed, or occupied, or absent, there would be no lack in such an assemblage of company and amusement.

In a social community a man's company embraces the whole circle; he can address himself to any sex, to any age, to any capacity; he can never become a misanthrope nor be weary of life, because those around him are uncongenial. Strange indeed must his nature be who will not find some sympathising friend, some councillor, with whom he may discuss his ideas; but in society as it is at present, how many dull hours are constantly being wasted and wished away among persons incompatible with his disposition, or perhaps there is no recreation for his mind, no books, or his leisure may be passed in stupid vacuity for want of the liberty of following his own inclinations.

IV.

Some persons object that such a system of society is totally out of the order of nature, that such things never were, and consequently such things never will be. That such things were and that such things are, we have demonstrated to our readers, and that such things will be, our present condition seems to testify. The whole earth is now in a state of rapid change and progression towards some more perfect state; within the last 300 years it has received an impulse in civilisation from the art of printing, so mighty, that Turk and Goth, instead of stopping its course, now swim with the stream. The invention of machinery, through its pages alone, points to some period in which man, as a servant and a labourer, will be but little required on this earth, or that he shall live without toilsome exertion.

Many object against the system of community, that it will subject them to so much constraint. We have studied these instances given, and find that they may all be included under three heads, they will be constrained to adopt regular hours at work and meals. They will be constrained to obey any master whom they may put over themselves to direct them in their labour; and they will be constrained to behave themselves civilly and kindly to each other. Very hard tasks, indeed! We have extended liberty and security to all; and so long as it is a liberty compatible with order and subordination (without which there can be no liberty for anybody), human enjoyment must be considered as incalculably augmented. But let them observe how the case stands in their own admired system. We are afraid that those who puke at these gnats can at the same time swallow a camel. Use and education have made the present form of society so familiar, that we are unconscious of the restraints to which it subjects us; we are familiarised to our bonds till we fancy ourselves at perfect liberty.

This is the boasted land of freedom; but where is it to be found? On the contrary, slavery seems to be the actual condition of all men. Wives are the lawful slaves of their husbands—children have no defence against ill-treatment or bondage. Apprentices, journeymen, labourers,

and servants, are professedly not free—they must agree to obey for the sake of the very elements of mortal life—but even their masters are under great restraints. Common sailors and soldiers do not pretend to personal freedom—but even officers are under command.

Apart altogether from the consideration of a landed class, with a vast influence on the multitude living on their territories, we see an employing class, with equally great subject masses; and a trading class, among whom the affluent few exercise a scarcely limited control over all the rest.

The Englishman, after twenty-one years of age, is told that he enters into the full rights of his countrymen; but he sees that all these rights will not keep him from poverty, not even from starving, if not placed in congenial circumstances by family influence or friendly aid: even then, in order to gain an existence, he must give up all idea of having a will of his own; he must make himself the echo of everything his superior may say; he must be patient of all kinds of trouble, meek, submissive, even to the rude and unreasonable; in short, he must hesitate at nothing which seems likely to further the great end of money-making. Is he a legal or medical man; what with his anxiety to obtain employment, and his fear of losing it, he cannot be considered as much better off. The awful sentence, "One must live," is an iron collar round the necks; while "Wife and children" are fetters to the feet of these and all other men. The most generous inclinations, the most conscientious resolves, all sink before the tremendous consideration, "Meat, clothes, fire."

V.

It is objected, that men living closely connected in such large masses, and very much their own masters, quarrels, contentions, and party feeling will arise, and that mutual disgust and aversion will quickly undermine the structure. But if peace and friendship be insecure in an association where there are none rich and none poor; where the earth, the air, the water, are free to every one; where all unite in amusements interesting to all; where every heart is light, and every tongue utters the effusions of the heart; where the joy becomes contagious, and the gladness of the soul is reflected from face to face, until the sick forgets his pain, the afflicted his sorrow, and the aged the approaches of death; where all join in one dance, and all sit down to one feast; where no invidious preferences are shown, no insulting privileges usurped;—if friendship, we repeat it, be insecure under these circumstances, how precarious must its situation be where nothing gives importance but wealth, and wealth has no connexion with individual merit; where the higher and lower ranks never unite in the same amusement; where men can never forget for a moment the inequality of their situations in life; where sordid, ignorant, bloated wealth must be fed with continual adulation, and indigent merit must shrink into insignificance, or become the object of ridicule and contempt;

where every individual watches his neighbour with an eye of suspicion and distrust ; where truth is seldom heard except for some malignant purpose ; and where men endeavour to wear the semblance of virtue, but lay it down as a practical rule not to be encumbered with its substance.

It is objected that, in these communities, the absence of all the usual incidents of society, the want of the stirring influence of the acquisition of wealth, and there being no nobility, gentry, robbers, and others, who make such conspicuous figures in romance, would produce a dulness and uniformity of character that would be insupportable. But how ? Is it possible for dulness to exist in a community of eight or ten hundred well-educated and talented people ?

The less the mind and heart are operated upon, the less difference will be observed ; savages, for example, present little range of character, and during the dark ages whole nations were nearly alike. It is among the instructed portions of society that there is the most extended moral and intellectual development, and that the greatest diversity presents itself. It is true, that superior minds, in some respects, approximate ; they have much information and many sympathies in common ; but their knowledge, their feelings, and their energies are endlessly diversified.

What do we fly to company for, but as a stimulus to destroy dulness ? And is not that company the more delightful, the more literary, the more respectable, and the more varied the talent of the members ? And is there not more incident and adventure among mixed companies than in quiet families ? Then dulness must be an impossibility in social communities. Here there will not be an improvement in moral or physical science that will not give more general interest than the announcement of wholesale robberies and murders, under the name of war and glory, does now in common society. The wide wish of benevolence will dilate from the expanded foreheads of such communities over the interests, the affairs of all nations ; from the contest of mutual destruction, their thoughts will be directed to the emulation of mutual good. Whatever social regulation, agricultural or mechanical improvement, have been anywhere made ; whatever casualties or natural phenomena occur over the globe—will be at meals, at labour, as well as at hours of leisure, the means of constantly receiving excitements to such communities, while man and nature exist ; because there are none of those things which, by the equal opportunities of common enjoyment, will not be brought immediately home to the interest of every individual. The differences of the nervous, as well as the muscular and organic systems of individuals, the variety of sex and age, and the great multiplicity of employments, will ensure, under the rule of free inquiry, and the thence resulting eternal progress in knowledge, all the freshness of originality as well as individuality of character which is necessary for

individual personal excitement. Add to these the affections of friendship and love, in a place where these feelings can neither be bought nor sold, nor feigned, nor entered into nor bound together, by mercenary motives, and it will be found, that while in these communities almost all sources of painful excitement leading to preponderant mischief are excluded, the sources of pleasurable excitement of the highest class, and leading always to preponderant good, are beyond calculation increased.

VI.

Labour.—The first duty imposed on man in relation to society is labour. No class is exempted, and for this is his body alone suited; he cannot defy the doom without a heavy punishment. If he need not earn his bread himself, he must substitute laborious pleasures; if he does none of these things, or similar ones, he grows fat, has indigestion, and consults doctors with the vain hope of being enabled to baffle Nature with impunity for some little time longer; and after a few years of perpetual uneasy feelings, it is found that his heart is diseased, he becomes dropsical, or loses the use of one half of his body, and is wheeled about in a chair, imbecile in mind as well as limbs, or he becomes melancholy and suspicious of his best friends, or by some such winding-up he arrives at the last scene, that ends his common-place eventless history.

Labour to Man is a Privilege and a Blessing.—No product of the vineyard, the field, or the sea, however aided by inventive art, will furnish a welcome repast to one who sits in listless idleness, on a downy cushion, from breakfast-time till dinner. It is by labour that man comprehends the existence of the Deity, and the beauty and utility of his works,—to adorn the earth and bring its productive power into action—to apply the material substances of the earth to reasonable use, convenience, and ornament—to expand and improve the human mind—to cultivate and strengthen the moral power.

No man should be exempted from labour, nor any loaded with it; but by distributing employment according to capacity, we might make labour a source of universal satisfaction, and a bond of union, realising the old adage, that "many hands make light work." The great inequality of labour which exists in our present system, is of the most mischievous tendency. The labourer who has too much work, and the gentleman who has too little, are both supplied with limbs for labour and brains for thinking. Nature, for the infringement of her laws, punishes the inactive and idle classes with sensuality, debility, bodily and mental lassitude, imperfect digestion, disturbed sleep, bad health, and, if carried to a certain length, death. The penalty for over-exerting the system among the labouring classes is exhaustion, mental incapacity, the desire of strong and artificial stimulants, such as ardent spirits, general insensibility, with grossness of feeling and perception. Ruptures, hypertrophy, rheumatism

and aneurism are their peculiar diseases. Enlargement of the veins of the surface, abruptly marked muscular system, a gait rendered awkward by being confined to particular employments, and a rancidity of the humours of the body, render them unsightly and forbidding. Statistical reports show that the duration of life among this class of individuals is not so long, by one-fifth, as among persons having an easy and comfortable maintenance, which agrees with the natural law, that the duration of the individual, all accident apart, is proportioned to the wear and tear of the bodily machine.

Great labour, either in mind or body, continued for several days together, is in most men naturally followed by a great desire for relaxation; which, if not restrained by force, or some strong necessity, is almost irresistible. It is the call of nature, which requires to be relieved by some indulgence or change of occupation. Relaxation does not always imply idleness; but, as Locke expresses it, "easing the wearied part by change of employment." If not complied with, the consequences are often dangerous, and sometimes fatal, and such as almost always bring on the infirmity peculiar to the trade. One cause of the commonness of intemperance, says Dr. Channing, is the heavy burden of care and toil which is laid on the greater part of mankind. Multitudes, to earn subsistence for themselves and their families, are often compelled to undergo a degree of labour exhausting to the spirits and injurious to the health. Of consequence, relief is sought in stimulants. We do not find that civilisation lightens mens toils; as yet it has increased them, and in this we see the sign of a deep defect in society. It cannot be the design of the Creator that the whole of life should be spent in drudgery for the support of animal wants.

That civilisation is very imperfect in which the mass of men can redeem no time from bodily labour for intellectual, moral, and social culture. It is melancholy to witness the degradation of multitudes to the condition of beasts of burden. Exhausting toils unfit the mind to withstand temptation. The man is spent by labour; and, cut off by his condition from higher pleasures, is compelled to seek a deceitful solace in sensual excess.

Where the physical wants are supplied with much difficulty and toil, we may be sure the mental ones are totally neglected. As each is fully occupied in providing sustenance, there is no spare time for any intellectual pursuits. Masters, in pushing trade on to a great scale, exact the most energetic and long-continued exertion from all the workmen whom they employ. In such circumstances, man becomes a mere labouring animal. Excessive muscular exertion drains off nervous energy from the brain, and when labour ceases, sleep ensues, unless the artificial stimulus of intoxicating liquors be applied, as it generally is in such instances, to rouse the dormant mental organs, and confer a temporary

enjoyment. To call a man who passes his life in such a routine of occupation—eating, sleeping, labouring, and drinking—a Christian—an immortal being, preparing, by his exertions here, for an eternity hereafter, to be passed in the society of pure, intelligent, and blessed spirits—is a complete mockery. He is preparing for himself a premature grave in which he shall be laid, exhausted with toil, and benumbed in all the higher attributes of his nature—more like a jaded and ill-treated horse than a human being!

If the soft play of the affections; if the enjoyment of the splendid loveliness of nature, and the beauties of art; if the expansion of the intellect in the pursuits of science; if refinement of manners; if strengthening and improving the tone and forms of our physical frames; and if the adoration, with minds full of knowledge, and souls melted with love, of our most bounteous Creator, constitute the real objects of human life in this world, the end for which we live; and if the fulfilment of this end be the only rational idea of preparation for a higher state of existence, then the present system of society is indeed to be condemned.

Children should be exempted from labour during the period of their education, and till their frames are properly developed in form and power, that is, till about sixteen. It is an undisputed fact, that if a horse be worked hard before he has attained his full growth, the useful effect of his labour will be considerably less than it would have been had he been allowed first to reach his full strength. It must also be evident to every one, that, to produce a fine-formed child, with a sweet and lively disposition, we must exempt it from all prematurely hard tasks, whether in thought or action.

Labour must be looked upon as a boon to all—a badge upon none. Every man must be reared to aspire to labour, as one of the first and happiest privileges of his humanity; and to do his part of the world's work well must be his best ambition. He must be taught to give his labour lovingly to his fellow-creatures, and take, in the same spirit of exchange, their labour for his own. He must enjoy the goods of life, because they are furnished by his brothers; not engross them as now, because they are bought by his money; he must feel that, as love can only be paid by love, so can labour only be paid by labour; and that nothing short of all, in some way or other, being working people, can render the world the theatre of universal happiness.

VII.

Amusements.—Sound health and sound mind require that all should daily enjoy themselves in hearty, joyous, and robust games; there being nothing so efficacious in creating habitual good humour, spirited bravery, and a handsome address. The staid rules of etiquette condemn such conduct as indecorous, but we must recollect that they emanate

from a listless aristocracy. For want of this, we see people with the gravity of seventy on faces of twenty. When once they get enthralled in business, and obliged to set their faces towards Mammon, every social feeling must be curbed, and a sour, calculating, plotting coontenance is necessary for their self-protection.

There is a want, says Sir J. Herschel, too much lost sight of in our social institutions—it is the want of amusement. It is in vain to declaim against it. Equally with any other principle of our nature, it calls for its natural indulgence, and cannot be permanently debarred from it without souring the temper and spoiling the character. Like the indulgence of all other appetites, it only requires to be kept within due bounds, and turned upon innocent and beneficial objects, to become a spring of happiness; but satisfied to a certain moderate extent it must be, in the case of man, if we desire him to be a useful, active, or contented member of society.

It is of little use forming laws against intemperance, injustice, and disorder, if we do not adapt circumstances so that individuals may have the least possible temptation to infringe them. When the mind is relieved from its occupations, that relief must come in the shape of something cheering and exhilarating. The man cannot sit down dull and stupid, and he ought not. Now suppose that society provides him no cheerful or attractive recreations; that society, in fact, frowns upon all amusements; that the importunate spirit in business, and the sanctimonious spirit in religion, and the supercilious spirit in fashion, all unite to discountenance popular sports and pastimes; and thus, that all cheap and free enjoyments, the hale, hearty, holiday recreations, are out of use, and out of reach: what now will the man out of business be likely to do? He asks for relief and exhilaration,—he asks for escape from his cares and anxieties; society in its arrangements offers him none, and there is no relief but the tavern and alehouse.

It is certain that there is no natural appetite for spirituous drinks; but for sports and spectacles, for music and dancing, for games and theatrical representation, there is a natural inclination, and an inclination which, though often perverted, must be allowed, in the original elements, to be perfectly innocent—as innocent as the sportiveness of a child, or its love of beautiful colours and fine shows.

VIII.

An elegant and impassioned writer thus describes the state of society to be enjoyed in co-operative associations at some future period:—

“By the help of such vast numbers living without anxiety, and in a goodly correspondence, they would be able to cultivate every spot that was habitable in the manner most suitable to its nature. By their united labours they would raise the most magnificent works, and add innum-

able beauties to the face of the earth. Knowledge would increase wonderfully by experiments made at leisure, and with exactness, in all places of the earth, which would be freely communicated everywhere, and be regularly transmitted to posterity. An inconceivable progress would be made in discovering the laws of nature. There would be proportionable advances in all sorts of useful, ingenious, and agreeable arts. Every one might have the means of being a philosopher if he pleased. A happy emulation or love of glory, an insatiable curiosity, the love of truth, and an ardent thirst after knowledge, would render men more ingenious and more successful in making useful discoveries than either their present wants and necessities, or their love of gain. Scarcely can anything be supposed so difficult to be discovered or effected, that it would not yield to the united efforts of mankind in such a favourable situation. In short, the whole earth would become a paradise, and mankind be universally wise and happy.

"Co-operation will in its progress gradually transform our halls and castles, and our churches and cathedrals, into social mansions; our cities and towns into head-quarters for shipping and railways. They will contain the halls of congress for the county or district, the grand museums of antiquities and curiosities, the hospitals for the mad, the blind, the deaf, and the dumb. The lanes and alleys will be cleared away, to make room for healthy parks, or zoological and horticultural gardens. The country roads will no longer present their angular fields, their primitive cottages, their ditches, hedges, and the walls which imprison the wealthy—but beautifully paved they will glide through a park-like land, giving us occasional glimpses of the lawns, statues, bowers, and lakes of a more tasteful and happy generation, while at every 300 or 400 yards we shall meet some social palace built in varied styles of elegance.

"A most important benefit of socialism, when it shall have become universal, will be the melioration of climate. When men shall have cleared the valleys and the plains of their forests, and exposed the soil to the purifying influence of the sun and atmosphere, draining its marshes and filling up its stagnant lakes, when he shall have clothed the hills and mountains with pines and evergreens, when he shall have cultivated the deserts and clothed them with productive soil, when he shall have cleared off the heath and the bramble, and replaced them with flowers and grain, who can doubt that the atmosphere will become pure and wholesome, that its temperature will be moderated, that light breezes and refreshing showers will become more frequent, while the springs will gush forth with plenteous volumes of pure water? Experience proves these things; for in Greece, Russia, and America, where the face of the country has undergone vast changes from war or civilisation, these phenomena have been found to vary with it for better or worse.

"Another speculative benefit will be the improvement of the race of

man, and all beings connected with, and suitable to, his existence. Intelligent and moral man creates a garden around him; he clears away the vast forests and deserts, and with them the tiger, the serpent, and the wolf. He clears away the noisome dunghill, the ditch, and with them the pestiferous fly, the maggot, the eel, and the toad. By his cleanly and refined habits, the rat, the spider, and the whole race of vermin will be annihilated—while the lawns, the groves, and the beautiful scenery he inhabits, will, in their place, invite the symmetrical grazing animals, the gay birds, and the butterflies, and they will come. Above all, as experience teaches, by placing every being in its happiest circumstances, we may expect that its faculties will be fully developed, and that every succeeding generation will improve on the foregoing one in mental and physical attainments.

“Man here sees in his fellow-man a helpmate for social pleasures; there is no object of fear, of cheating, of thieving, of crime of any sort, between man and man. All causes for enmities are annihilated by the annihilation of opposite interests; the most sincere attachments are generated, because, where men do nothing else but please each other, they are very naturally inclined to love each other. Here, existing in the purest state of society, uncorrupted by the influence of bad education, bad examples, and bad government, he possesses a taste for all that is good and beautiful. He is capable of a moral and intellectual improvement, which advances his nature to a participation with the divine. The world, in all its magnificence, appears to him one vast theatre, richly adorned and illuminated, into which he is freely admitted to enjoy the glorious spectacle. Acknowledging no natural superior but the great Architect of the whole fabric, he partakes the delight with conscious dignity, and glows with gratitude. Pleased with himself and all around, his heart dilates with benevolence as well as piety, and he finds his joys augmented by communication. His countenance cheerful, his mien erect, he rejoices in existence. Life is a continual feast to him, highly seasoned by virtue, by liberty, by mutual affection; God formed him to be happy, and he becomes so, thus, fortunately, unmolested by false policy and oppression. Religion, reason, nature, are his guides through the whole of his existence, and the whole is happy. Virtuous independence, the sun which irradiates the morning of his day, and warms its noon, tinges the serene evening with every beautiful variety of colour, and on the pillow of religious hope he sinks to repose in the bosom of Providence.”

IX.

Having detailed the evils of the present system of society, and the advantages of the co-operative system, it remains to be more fully considered how this great social revolution is to be effected. Although

mankind is not yet prepared for the co-operative system of society, democracy will soon pave the way for its introduction. Had France not been cursed by a Napoleon—had the Republic been allowed to pursue its career uninterrupted by the military despots of Europe—mankind would ere this have been redeemed; a sound social system would have been established in France, and the great example would have been followed in the principal part of the old as well as the new world. Fifty years of democratic government in France would have sufficed to bring the theories of her great sages and philosophers into practical operation, and to secure the reign of true liberty, equality, and fraternity. There are obvious reasons why the new world has not yet set this example. The Americans have been fully engaged in making a new dwelling-place in the primeval forests; in clearing the ground, settling the country, and establishing new social and political institutions. Steadily, however, has the cause of democracy advanced in that quarter of the world from year to year, until at length almost every remnant of the old aristocratic system has been destroyed, and a general equality of conditions effected. But this is only the first stage of the great social revolution now in progress. Not only has America given to the old world a new political faith—a new system of government—but her citizens have demonstrated that a new social system, based upon the golden rule, is perfectly practicable. What the poets and great geniuses of all ages have hoped for, and prognosticated, is shown to be almost within our reach; and we may calculate with certainty that our immediate descendants will enjoy the blessings of a system of society in which men will cease to prey upon each other.

It must be especially borne in mind that democracy is the only road to a true social system. The establishment of democracy is the great matter to be now attended to, for it is democracy alone that can, by elevating the mass of the people, qualify them to enter into a new and vastly superior state of existence. The diffusion of sound opinions on the question, What will be the ultimate results of democracy, although important in many respects, is, at the present moment, secondary to the great business in hand—the all-absorbing effort on the part of the people to obtain the power of legislating and governing for their own advantage. That power obtained, the knowledge how to use it fully and effectually will not long be wanting, and not a moment's time will be lost in making those changes which are the necessary precursors of the great and final consummation. It is true, however, that a full knowledge of the immense prize to be won would stimulate many who are now torpid, and that a full view of the whole field of controversy would prevent vain and fruitless bickerings about matters of unimportant detail; but still our first care should be to secure democratic government, seeing that so much remains to be effected through its means before

the public mind will be prepared to receive the doctrine of co-operation.

It is absolutely necessary to raise the condition of the great mass of the people, and diffuse wealth and intelligence, as the Americans have done, before the doctrine of equality will even be listened to. It is idle to preach that doctrine to a mass of ignorant labouring people, struggling hard from morning to night for the bare means of existence; they are not only without political power, but are totally incapable of comprehending the theory; they must be brought by degrees into the full blaze of light. As to those classes who now enjoy the pleasure of controlling and commanding their fellow-creatures, the doctrine of social equality may also be preached to them in vain as matters now stand. And yet, what real happiness do those people enjoy? The poor pleasure of domineering over and trampling upon a servant or two, and other dependents, at the same time that they are compelled to submit themselves to be domineered over by others in a superior station.

X.

It is objected to the system of social equality, that a man of genius ought not to be placed on the same footing as the man of inferior intellect. To this we reply that, under the present system, the man of genius, instead of occupying a superior social position, is placed at the feet of the men of no genius, the hereditary and titled owners of property and power, and it seldom happens that he can even surround himself with a little society of friends capable of appreciating him. Under the co-operative system, on the contrary, the man of genius will be the object of general respect and esteem, and will enjoy the pleasures of a society fully capable of understanding his qualities, and putting a due estimate upon them. *The love of approbation* will be an amply sufficient stimulus to all great and good endeavours to increase the common stock of knowledge. No discovery will be kept a secret, as there will be no motive for so doing—no necessity for turning the discovery into the means of securing bread for the discoverer and his family. It will not be necessary to reward the man of genius in any way, either by bestowing privileges or titles upon him; he need not be supplied with better food and raiment than his associates, their plaudits will be a sufficient return for his exertions. There is no task that man will not undertake from the love of fame.

In associations, the members being all well educated, and enjoying the benefits of intellectual society and abundant leisure as well as ample means of study, there will be a hundred times more manifestations of genius in every department of literature and the arts and sciences, than can by possibility be displayed under the present system of society.

But allowing the sufficiency of the stimulus to great exertions of the

intellect in associations, the abstract justice of treating all the members on a footing of perfect equality, is deemed by those who are unable at first sight to perceive the vast difference between a system of society where men co-operate together, and that where they struggle against each other. In an association where some are more weak and feeble in mind or body than others, how can the superior efforts of the strong and active be better directed upon principles of equity, benevolence, and brotherly love, than in supplying the deficiencies of the weaker members?

XI.

It is truly astonishing to observe how the present system of society is defended by its advocates.

It cannot be denied that mankind now possesses the most ample means for producing an abundance of every necessary and comfort of life with but little labour, through the medium of machinery.

It cannot be denied that, notwithstanding this great fact, nine-tenths of the human race are over-worked; have not sufficient leisure, opportunity, or means to cultivate their minds; are unable to obtain most of the comforts of life, and are living in constant dread of the future.

It cannot be denied that, for want of the means of earning an honest livelihood, millions of men and women are driven into evil courses.

It cannot be denied that millions are prevented by poverty from entering the matrimonial state, and that under these circumstances the existence of hordes of prostitutes is unavoidable.

It cannot be denied that in the struggle for a temporary and uncertain supply of a paltry portion of what could be easily produced by co-operation in superabundance, men are compelled to prey upon each other instead of loving their neighbours as themselves.

And yet he who dares to suggest that this is a vicious system, which may by degrees be superseded by a better one; that it is really possible for men to live according to the precepts of Christianity, in peace and good will, do as they would be done by, and love their neighbours as themselves, is denounced by the advocates of the wealthy classes in terms of unmeasured abuse.

Princes and aristocrats, as well as their dupes, all treat such doctrines as calculated to disquiet vulgar people's minds and subvert what is called order. So great is the social influence of the wealthy and privileged classes in England, so complete their control of the press and other organs of information, that one might as well attempt to propagate Christianity at Constantinople, or descant upon the utility of a representative assembly at St. Petersburg, as attempt in this country to disseminate sound opinions on the social system. Abuse, ridicule, and misrepresentation await all who undertake this task. The truth is mighty and will ultimately

prevail, but it must be a work of time. The church, especially the Protestant establishment, is at present enlisted in support of the wealthy and powerful, and it is not likely that the clergy of England, identified as they are with the existing system, will soon lend their aid to any reformation. They have always been notorious for their exertions against the popular cause; they are appointed to their livings by aristocrats, they marry in and associate with the fashionable world, they are wealthy, have fine houses to live in, troops of servants to wait on them, enjoy social distinction, the reverence of their humble neighbours, live a life of ease, are clothed in purple and fine linen, and fare sumptuously every day. These men are the great conservators of the present system; they hound on their ignorant and bigotted followers to abuse and persecute all the leaders and teachers of the people who seek for either social or political reform.

We expect better things from the Catholic church, for its priests are less worldly-minded, more pious, and far more likely to receive the truth than the aristocratic self-loving ministers of the so-called reformed church. The dissenting preachers in England will be the first to follow the example of the Catholic clergy in advocating the Christian system of society.

France will probably be the first European state to adopt that system, there being in that country a large measure of social equality, and a general division of the land, and a prevailing attachment to the Catholic church.*

France has most wisely and gloriously made her election, and adopted the representative republican system. She is committed to individual equality and liberty, universal suffrage and universal eligibility to office,

* Many leading men in France entertain the opinion that there will be a new social system at some period or other. The following passage is extracted from Mr. Percy St. John's very able "History of the Three Days of February, 1848." After stating that M. de Lamartine became the head of a party known as the *parti social*, the writer adds:—"As this is an important question, I make a very clear and useful extract from one of his biographers, as it is of consequence not to confound the socialism of Lamartine with that of the half-lunatic schemers who have, under its name, advocated such pestilential theories in England. What is the social party? Or, rather, what is the political idea of M. de Lamartine? Placed beyond the position and ideas of the men of to-day, the political system of the poet will scarcely admit of succinct and precise analysis. In the eye of Lamartine, all the great commotions in France since 1789 have not been connected with a political and local revolution, but with a social and universal revolution; these partial *bouleversements* are but the prelude of a general transformation, and the world appears to him shortly called upon to undergo a complete renovation in ideas, manners, and laws. Under this point of view, the doctrine of M. de Lamartine approaches that of Fourier and St. Simon; he does not reject the relationship, he proclaims it. 'St. Simonism has in it,' he says, 'something true, great, and second; the application of Christianity to political society, and the legislation of human fraternity; in this point of view I am a St. Simonian. What caused this extinct sect to fail was, not the idea, not the disciples, but a head, a master, a legislator. The organisers of St. Simonism were in error when they made war at once on the family, on property, on religion. . . . The world is not conquered by the force of a word; it is converted, it is moved, it is laboured, it is changed.'" M. de Lamartine is supported in these views by great numbers of talented men in France, who are the real friends of humanity, and whose sympathies are with the suffering millions.

with vote by ballot, equal electoral districts, frequent elections, and all the other approved safeguards of constitutional liberty. France is, therefore, not only the European propagandist republic, but will be the first exemplar of what is as superior to government as is the end to the means—the new system of society.

France has in a pre-eminent degree all the associated elements of the dawning social era; her people and her institutions now correspond; they are alike free and equal; and the Frenchman is conspicuous for his social and fraternal character. Property is distributed; there is no bloated and arrogant aristocracy; and the principal obstacles to the formation of a new social system are removed. So that France will no doubt have the distinguished honour of setting an example to her European neighbours, and the world, of practical democracy, resting on the firm basis of fraternity.

No social communities like those at Zoar and Economy have yet been established successfully in France, or any part of Europe. The disciples of St. Simon, in 1830, formed themselves into a family, living in common in a house in the Rue Mousigny, Paris; but this was broken up by the government about two years afterwards. It is about thirty years since Claude Henri, Comte de St. Simon, began to promulgate in France those views which have since become so famous under the name of St. Simonianism. He was born at Paris, 17th October, 1760, of a family one of the most distinguished of the old French noblesse, and which traced its descent from Charlemagne. His object was "to assure to all mankind the freest possible development of their faculties," a system of society securing "to each man a vocation according to his capacity, to each capacity a recompense according to its works."

St. Simon breathed his last in poverty, 19th May, 1825, at Paris, surrounded by his favourite disciples. His dying words to them are very memorable—"My whole life sums up in a single thought—to assure to all mankind the freest possible development of their faculties. The future is ours."

Francois Charles Marie Fourier was born at Besançon, 7th April, 1768, and became a merchant's clerk. His opinions were, that society as it existed was one complex system of fallacy and suffering, which we must just accept as such, and endure. He held that all that one could do was to exhibit to the world a model constructed out of one's own thoughts of a new and perfect system of society. If such a model were duly set forth, the world would doubtless strive towards conformity with it, and in the process of years would attain to it. One need be in no hurry however; it was more essential to build up the scheme completely in one's mind, so as ultimately to place a finished and perfect model on the table, than to come forth immediately as a mere critic. Indeed, the evil of the existing system was so great, that to strike a blow, or indicate

a change here and there; would not do, the entire edifice must be pulled down and rebuilt, and one's best occupation, therefore, was, leisurely and apart from all ephemeral politics to prepare the new plan. These were Fourier's views. He published the substance of his theory at Lyons, in 1808, proposing a system for the association of mankind in industrial bodies, on the principle that each individual, while forming part of a whole, should yet be at liberty to follow his own tendencies and inclinations. Every member would be secured a *minimum* of income sufficient to supply his ordinary wants, and over and above this there would be a distribution of the surplus profits among the efficient members, according to the three categories of labour, capital, and talent. An attempt was made about fifteen years since to exemplify the system in a model association in France, but it failed.

The theories of St. Simon and Fourier were formed without knowledge of, or a due regard to the momentous experiment on human nature, tried with such eminent success in the American social communities, and without adverting to the political institutions of that people. Those theories are also mixed up with a vast quantity of rubbish on the subjects of cosmology, psychology, and religion. Equality is discarded in those theories, and highly objectionable forms of government are suggested. It will be observed that our plan of a new social system is divested of all superfluous and extraneous considerations, and is based upon American example. The experience afforded by American political institutions indicates the proper system of government; and the experience of American co-operative communities likewise directs us to a social system essentially different from those projected by St. Simon or Fourier.

It is further to be remarked, that those philosophers did not undertake to point the way to the introduction of a new social system; did not lay down any clear and definite plan of operation, by means of which the desired revolution should be accomplished. This part of the question has not hitherto received its proper attention; hence the formation of so many crude, ill-digested, and premature projects in France and England for the organisation of labour, the assumption of property by the state, and so forth, projects which, from their manifest impracticability, serve but to excite disgust, and antagonise those who are to be reasoned with, convinced, and persuaded, before any social change can be effected.

The only successful experiments in Europe upon the co-operative principle have been displayed in a modified application of that principle to the management of private business. The following example is related in the "North British Review," No. 17, p. 242:—

"There is in Paris now, or lately occupying the house 11, Rue Saint Georges, a master house-painter, named Leclaire. On an average, M. Leclaire employs 200 workmen. For some time after commencing bu-

since he proceeded on the same system with regard to his workmen which he saw others practising, 'a system which consists,' to use his own language, 'in paying the workman as little as possible, and in dismissing him frequently for the smallest faults.' Finding this system unsatisfactory, he altered it, adopted a more liberal scale of wages, and endeavoured, by retaining good and tried workmen permanently in his service, to produce some stability in the arrangements of his establishment. The result was encouraging; but still, from causes which were inevitable—among which he specifies the listlessness of even the best workmen, and the waste of material occasioned by their carelessness—his profits by no means answered his expectations, while his position as a master was one of continual anxiety and discomfort. He resolved, therefore, on a total change of system. A reading and intelligent man, he had heard of the speculations regarding the applicability of the co-operative principle to business; a firm and enterprising man, he was willing to try the experiment at his own risk. Accordingly, having made certain necessary preparations, he announced to his workmen in the beginning of the year 1842 that during that year he was to conduct his establishment on the principle in question; in other words, he was to assume them all for that year into partnership with himself, and form of his establishment a little industrial association, of which he should be the chief.

"The details of his scheme were as follows:—All the *employees* of the establishment—M. Leclaire himself included—were to be allowed regular wages, as in other establishments, each according to his rank and position. M. Leclaire a salary for the year of 6,000 francs (£240), which was about the sum to which he considered himself entitled by his services; his journeymen the ordinary wages of about four francs a day (a pound a week) in summer, and three francs a day (fifteen shillings a week) in winter; the foremen and clerks proportionately more; the apprentices proportionably less. These fixed allowances were to be totally independent of the success of the experiment. As regarded his men, M. Leclaire guaranteed their payment. But if the experiment should succeed, then, after the sum total thus expended in wages had been deducted, and after all the other expenses of the establishment had been paid, such as rent, taxes, material, as well as the interest of the capital invested, there would still remain some surplus of clear profit. Now, this surplus, whatever it was, M. Leclaire undertook to distribute faithfully among all the members of his establishment, each sharing in the ratio of his fixed allowance.

"These arrangements having been agreed to and some other stipulations having been made, the chief of which was that M. Leclaire was still to retain the usual rights which belong to a master; was, for instance, to have the sole charge of the purchase of materials, the undertaking of commissions, &c., the experiment was fairly and faithfully tried. The

result was most satisfactory. 'Not one of his journeymen,' we are told, 'that had worked as much as 300 days, obtained less than 1,500 francs (£60), and some considerably more.' According to a table now before us, the average wages per day of a journeyman house-painter in Paris, is 3½ francs; for 300 days at this rate the return would be 1,050 francs (£42); therefore it would appear that a steady journeyman in M. Leclaire's establishment earned that year about 450 francs or (£18) more than his brethren in other establishments. For M. Leclaire, himself, the gain was of course proportionate. Even as a private speculation, therefore, the experiment was successful; a success which is to be accounted for by the superior zeal and carefulness produced among the workmen by the sense of common interest and responsibility, or as the French express it, *solidarité*. Every boy, for instance, who emptied a pot of paint into the kennel, injured himself and his comrades; and although he might not care for his own loss, his comrades would take him to task for theirs; hence an advantage in the system not possessed by that of piece-work. Morally, also, the effects of the experiment were admirable; and upon the whole, so decided was the success, that M. Leclaire continued the system on trial during the following year, and so far as we are aware, has kept it up ever since."

"Scarcely were the three days of February over, when two important companies, viz.—the proprietors of the *Presse* newspaper, and the directors of the Northern railway, announced their intention to conduct the businesses over which they respectively presided, on the Leclaire's system. Various other private companies, we believe, have followed their example."

It would be difficult to establish industrial associations in England like those of America; and if they should succeed in overcoming their difficulties, the government, in the plenitude of its power, would probably suppress them, as being calculated to excite discontent towards the present state of society. A sound political system must be established before voluntary co-operative associations can be formed, at all events on a large scale. The laws must protect them when formed, even if the state does not lend a helping hand at the outset; and it is absolutely necessary to provide for the due conveyance of property to them, and the descent and disposal thereof. For the peace of a social community, it must be legally invested with powers to enforce its own rules and regulations, and it is absolutely necessary to make the marriage contract a civil one, and to provide for its dissolution in proper cases. Co-operative communities cannot have a healthy and vigorous existence surrounded by inimical institutions. Indeed the laws of this country respecting the ownership of land by companies, the formation of joint-stock companies, and so forth, are such as almost to preclude the possibility of establishing a social community like that of Zoar.

The matter to be attended to at the present time manifestly is the establishment of democratic institutions. Under those institutions alone is the labourer cared for, and by these means only can anything effectual be done for the improvement of mankind.

We ask the friends of the people, the men of great minds and noble aspirations, to advance to their true position of leaders and guides to the masses of their brethren. The period has arrived for them to do so. Never was so grand an opportunity presented for earning immortal fame, and consummating the welfare of mankind. Napoleon, in the earlier period of his career, would have given worlds for the idea of a new social system. His genius could have comprehended the magnitude of that discovery, and he would have been the victorious apostle of co-operation, instead of the baffled founder of a selfish dynasty as Emperor of France. He would have summoned together an immortal congress of free and glorious spirits, and he and they together would have dispersed the darkness of the world by an illumination of its remotest places. Such would have been his greatest intellectual enterprise; and, instead of revealing himself as a tyrant, and enemy of democracy, he would have been a benefactor and saviour of nations. His hand would have contained another code than that with which his sagacious mind expected to go down to the approbation of posterity.

It is to the intellectual and chivalrous spirits of the masses we direct our appeal. "Now is the day, now the hour," for them to enlist in the mission of democracy. Let them fill up the ranks, and lead the triumphant march of nations. Their progress, however, must be firm-paced and slow, to be irresistible. Precipitation should not endanger a single movement.

In addition to all the reasons we have urged in favour of the new social system, we again invoke the sons of genius by the most inspiring considerations. They have been urged to consider their present helpless subordination in the state to the arrogance of proprietors and pretenders. They have been reminded of the repeated protest of their gifted predecessors of all ages against the mercenary despotism which flourishes over merit laid in ruins, or trampled under foot. It is utterly impossible, under the present system, for men of genius to occupy the social position to which they are of right entitled. Let them inquire whether this state of things is unalterable. We have endeavoured to show them the way which leads to the attainment of a new social system, under which talents and merit of every description will receive due encouragement and respect. It is for the generous and lofty youth, especially of England, Scotland, and Ireland, of France and Central Europe, to carry forth, in peaceful and happy procession, the freshly-lighted torches of civilisation.

The contemplated political and social changes should be accomplished by degrees, upon ascertained and acknowledged principles, after due preparation, and by the moral forces of conviction and consent.

It is a well-known fact that the aristocratic statesmen of Europe have no theory of human affairs except that man was born to struggle, with his intrinsic vices, into deeper misery, and to suffer more, and become more vicious as the world grows older. Is not this a fearful consummation of mortal destiny? Can it be true? Is it not necessarily false and monstrous? These pestilent sentiments are about to be extinguished for ever. Already we stand upon the verge of great political events. Already we are within the advancing sunshine of the great social revolution!

XII.

The following table represents the course of democracy in the fulfilment of its great mission:—

I. THE FIRST GREAT SOCIAL CHANGE.—*The Establishment of Popular Government.*—Its direct results:—general education; cheap newspaper press; public libraries and lyceums; abolition of the church establishment, and introduction of able, zealous, and pious preachers, appointed by the people; abolition of all religious distinctions, and of all laws fettering the right of discussion and association; abolition of all laws tending to the accumulation of property in the hands of a few; enactment of laws to facilitate the transfer of land; popular election of judges, justices of the peace, and all office-holders; the establishment of a paid citizen force, the officers being chosen by the privates; cheap and speedy administration of justice; humane treatment of criminals; liberal support of the poor; assistance to emigrants, and the establishment of systematic colonisation; laws protecting women and children from improper and excessive labour; laws regulating factories, and securing the health and comfort of the workpeople; laws securing the health and comfort of towns, and providing places for exercise and recreation.

Social Effects of this Legislation.—Vast improvement in the mental, moral, and physical condition of the people; abolition of aristocratic insolence and popular servility; general encouragement of talent and merit; reform of national habits, manners, and customs; general introduction of social clubs, and the practice of living in boarding-houses and improved lodging-houses; establishment of public baths and wash-houses; and adoption of the co-operative principle in various other respects.

II. THE SECOND GREAT SOCIAL CHANGE.—*Various Provisions against the Evils of the Competitive System.*—Complete instead of partial control of great public works and manufacturing establishments, so as to secure the comfort and well-being of the workpeople; provision against famine, by laying up public stores in times of plenty; laws having for their object the restriction of the increase of the population; assumption of

the ownership of property by the state, when the owner dies without near relations ; management of this property by social communities established by the state ; ample provision for the poor ; kind treatment of the aged, sick, and helpless ; liberal education of pauper children, and measures to secure their advancement in life ; reformation of criminals, and proper provision for them on their discharge ; the establishment of many co-operative communities like those in the United States.

Social Effects of these Measures.—General equality of conditions ; absence of destitution, vagrancy, prostitution, and intemperance ; great diminution of crime ; general prevalence of humane and fraternal sentiments ; and general willingness to establish a new system of society based upon those sentiments.

III. THE FINAL SOCIAL REVOLUTION.—The general establishment of co-operative associations ; the State being composed of a congeries of such associations, with a central government.

Social Effects of this Measure.—Complete liberty, equality, and fraternity ; the establishment of a system of society in which the precepts of Christianity can be practically followed. All countries will, in time, adopt the same system ; wars and famines will cease, and mankind will live in brotherly love, and reach a state of existence of which we can now hardly form a conception. It is true that perfect happiness is not the lot of man on earth, and that even in an association there will be human ills to be endured. There must be sickness, the loss of relatives and friends ; there will be rivalry in mental and physical accomplishments, with its consequent hopes, fears, joys, sorrows, heart-burnings, and jealousies. But all the evil passions will be minimised—all the good ones maximised. Mankind will no longer be engaged in a desperate struggle for life itself, and be kept in constant dread of being deprived of their accustomed comforts. War, pestilence, and famine will no longer be necessary to keep the population within proper limits. The relation of master and slave, in all its various forms, will be abolished ; there will be no criminals, prostitutes, drunkards, beggars, or paupers ; no tyranny ; no servility ; the health of man will be greatly improved, and his term of life prolonged, his mind expanded, and his enjoyments increased. Perfectly happy he will not and cannot be ; but the earth, in comparison with what it now is, will be a paradise, and men will live together in unity and concord, doing as they would be done by, and loving their neighbours as themselves. Liberty, equality, and fraternity will then be the inheritance of the whole human race.

Behold the fulfilment of the mission of Democracy !

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